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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. VALADAO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 27, 2015.

I hereby appoint the Honorable DAVID G. VALADAO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

THE SPEAKER'S RACE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, between 2000 and 2014, in the 16 to 65 age bracket, although the American economy created 5.6 million net new jobs, American-born citizens lost 127,000 jobs. All job gains in America—and more—went to people born in foreign countries.

In 2012, 51 percent of households headed by immigrants relied on welfare compared to 30 percent of households headed by someone born in America, thus driving up America's deficits and driving down America's ability to pay for safety nets for Americans.

This week I vote on PAUL RYAN's bid for House Speaker. While PAUL RYAN has excellent communication skills, is charismatic, understands the economic risk of out-of-control deficits, and the like, PAUL RYAN and I have a major disagreement on border security.

Last week, on October 22, PAUL RYAN, I, and others met about his candidacy. Border security was discussed. Thereafter, I hand-delivered to PAUL RYAN, on the House floor, at, roughly, 4 p.m., a letter that states:

''Paul: Struggling American families have lost more than 8 million job opportunities to illegal aliens. All lower and middle income American workers have suffered from suppressed wages caused by the surge in both illegal alien and lawful immigrant labor supply.

''Your past record and current stance on immigration conflicts with the values of the Americans I represent and causes great concern to me and the Americans I represent.

''Yesterday during discussions about the Speaker race, you made two representations about immigration that stood out. They are:

''1. It is unwise or unproductive to bring up any immigration legislation so long as Barack Obama is President.

''2. As Speaker, you will not allow any immigration bill to reach the House Floor for a vote unless the immigration bill is 'supported by a majority of the majority' of Republican House Members.

''Although you talk faster than I can write your words down, I believe the above statements properly reflect what you said. I send this letter to confirm that I accurately portray your remarks and that I may rely on them when the House Floor Vote for Speaker occurs next week.

''If my portrayal of your words errs in any respect, please deliver to me (before the GOP Conference meeting next week in which we are to conduct Speaker elections) a written communication correcting my errors.

''If I do not receive such a communication from you, then I will infer that you concur that my portrayal of your remarks is accurate and that I, and the rest of the GOP Conference, and the American people, may rely on your words as I have written them.

''I need your assurance that you will not use the Speaker's position to advance your immigration policies, except when in accord with the two above statements, because there is a huge gap between your immigration position and the wishes of the American citizens I represent. Your words yesterday constitute the needed assurance.

''If your assurances as I have portrayed them are accurate, then I am much more comfortable voting for you for Speaker on the House Floor (and will do so, absent something startling coming to my attention between now and the election, which I don't anticipate).

''If, however, you would use the Speaker's chair to advance an immigration belief system that is unacceptable to the Americans I represent, it will be very difficult for me to vote for you for Speaker on the House Floor.

''To be clear, I intend to publicly share this letter and your responding letter, if any, to help explain to my constituents why I voted as I did on the House Floor in the Speaker's election.

''Thank you for considering the contents of this letter.''

At roughly 5:20 p.m., PAUL RYAN called me and stated that my letter accurately portrayed his immigration representations. PAUL RYAN confirmed that he meant what he said and would keep his word.

Based on PAUL RYAN's representations and my trust that PAUL RYAN is a man of his word, I will vote for PAUL RYAN for House Speaker on the House floor if he is the Republican nominee.

Mr. Speaker, I submit this letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 2015.

Hand-delivered on House Floor to Paul Ryan at approx. 4 p.m., 10/22/15

Paul Ryan called Mo and confirmed accuracy of letter via phone at 5:20 p.m. (during staff meeting)

Re: Immigration Positions & Speaker Race.

Hon. PAUL RYAN,
Chairman, Ways and Means Committee.

PAUL: Struggling American families have lost more than 8 million job opportunities to illegal aliens. All lower and middle income American workers have suffered from suppressed wages caused by the surge in both illegal alien and lawful immigrant labor supply.

Your past record and current stance on immigration conflicts with the values of the Americans I represent and causes great concern to me and the Americans I represent.

Yesterday during discussions about the Speaker race, you made two representations about immigration that stood out. They are:

1. It is unwise or unproductive to bring up any immigration legislation so long as Barack Obama is President.

2. As Speaker, you will not allow any immigration bill to reach the House Floor for a vote unless the immigration bill is ''supported by a majority of the majority'' of Republican House Members.

Although you talk faster than I can write your words down, I believe the above statements properly reflect what you said. I send this letter to confirm that I accurately portray your remarks and that I may rely on them when the House Floor Vote for Speaker occurs next week.

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If, however, you would use the Speaker's chair to advance an immigration belief system that is unacceptable to the Americans I represent, it will be very difficult for me to vote for you for Speaker on the House Floor.

To be clear, I intend to publicly share this letter and your responding letter, if any, to help explain to my constituents why I voted as I did on the House Floor in the Speaker's election.

Thank you for considering the contents of this letter.

Sincerely,
MORRIS J. ''MO'' BROOKS, Jr.,
M.C., AL–5.

A BIPARTISAN MAJORITY—A NEW PRECEDENT FOR SOLVING PROBLEMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, for the first time in over a dozen years, an unusual legislative procedure—a discharge petition—has been successfully mounted in the House. This is an extraordinary effort to allow the House to work its will—a mechanism that was part of a package of reform, dating back over a century, to deal with the iron rule of Speaker Joe Cannon. The subject of the petition, the Ex-Im Bank, was almost as obscure as the procedure that brought it to the House.

This is an agency that for over 70 years has provided financing for transactions similar to which all of our competitor nations provide their exporting companies. In this case, American companies will have the credit tools that will enable them to cost-effectively engage in international transactions that other private institutions won't finance because of political or commercial risks.

Even if providing this service meant a modest exposure to the taxpayer, which might occasionally cost money, it was probably worth it to have the businesses support good-paying American jobs and to be able to compete with foreign companies.

Yes, it would be worth it. It is not just a low-risk proposition. The Ex-Im Bank is a service that has made billions of dollars for the United States Treasury. It turns a profit—about $2 million in the last 2 fiscal years.

This is interesting—a service that all of our competitor nations provide their companies. It hasn't cost the taxpayers any money. In fact, it makes money for the Treasury. Why was it allowed to expire?

This is another example of where a minority of the House, for ideological reasons, decided they were going to take over the process. In this case, they were going to kill the Ex-Im Bank. They did so over the objections of the administration, of the business community, of many Members of Congress, of people in organized labor.

It was hard to maintain decorum during last night's debate when the chair of the committee complained that, somehow, by approving the discharge petition and the procedural motions that followed, we were stifling the will of the House. I smiled as people lamented that they would not be able to offer amendments. Members came to the floor, saying they had amendments they wished they could offer and now they were being shut out.

How ironic.

His committee had no intention of allowing the House to participate in the give-and-take of legislation he was lamenting was slipping away. His committee didn't allow this proposal to come to the floor. The committee did not amend and refine the Ex-Im Bank. The committee killed it by having the authorization expire without giving the whole House a chance to be part of that decision.

Now the people who were caught on the wrong side of the majority of the House, with a losing argument and a minority position, were suddenly concerned that the House was being shut out. They had been shutting out the House for the last 2 years. They had denied efforts at reform. Only when their hand was forced did they somehow resort to the most specious of arguments. This is like, as they say, the person who kills his parents and then pleads for mercy from the court because he is an orphan.

There is no reform because they didn't want reform. They were the ones who shut the House out. Now, because of the courageous action by a bipartisan group, led by our Republican colleagues—eloquently and bravely—the House will no longer be shut out. American business will be stronger; and the House has demonstrated that there sometimes will be opportunities for a bipartisan majority to have its interests represented.

We can only hope that this sets a precedent for how we solve other problems, from raising the debt ceiling, to dealing with budgets, to rebuilding and renewing America. Involve the entire House—solutions are possible—and America will be better served.

THE TRIUMPH OF EVIL

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, last Thursday, President Obama used his veto power for the fifth time since taking office. This time, it was to reject the $612 billion defense authorization bill: H.R. 1735, the National Defense Authorization Act.

President Obama vetoed the defense bill on the same day that an American was killed in Iraq. With so much uncertainty and conflict around the world, I would have expected our President to have understood the importance of supporting this bipartisan defense bill. This veto is inexcusable. Not only is this a blatant show of disrespect for our troops, but it is disrespect for our Nation.

The National Defense Authorization Act also contains key provisions that will greatly benefit my State of West Virginia. The provisions include the drug interdiction and counterdrug program, the National Guard State Partnership Program, and $3.9 million in funding for the Charleston, West Virginia, Air National Guard Base.

It is shortsighted and wrong that the President refused to sign this critical defense bill. The bill gives our troops essential resources, but President Obama vetoed it because he wants concessions in other areas of government spending.

It is time to stop playing politics with our military. I urge my colleagues in the House and Senate to join together to override this veto.

Mr. Speaker, earlier this year, I stood on the floor of this Chamber and shared the stories of my constituents who have family members in Syria who are experiencing the political turmoil that is seen on the news daily. These stories paint a disturbing picture of what life is like in Syria right now.

Syrian dictator Bashar al-Assad is inflicting a reign of terror on his own people that include the worst kinds of torture, the repeated uses of chemical weapons bombardments, and the siege and starvation of innocent people. Assad has killed more than 130,000 of his own people and has forced an additional 3 to 4 million to flee the country.

These problems have been exacerbated by the failure of leadership from the United States of America. It is not just that Obama has a bad plan for how to handle the crisis in Syria. It is that he has no plan at all.

Edmund Burke once said: ''All that is necessary for the triumph of evil is that good men do nothing.''

That is exactly what the Obama administration has done: nothing. Evil is triumphing because of it. Innocent people will continue to die if we do not act now. We must take the first step and establish a no-fly zone so that Assad cannot continue to bomb his own people from the sky. It is so photos like these won't be commonplace in our news.

This critical action will help, but we have to do more. I call upon this administration to wake up to that fact.

□ 1015

A POWERFUL COALITION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, over the last several weeks, I visited six high schools in my district to meet with juniors and seniors, about 2,000 students in total.

Almost all of the students I meet are U.S. citizens. The majority are Latinos. Some have immigrant parents, and most will soon be eligible to vote.

All of them have one question for me. It starts every Q and A at every high school I visit. The questions are about Donald Trump. Is he going to be our next President? Is it true that he wants to revoke our citizenship and deport us to the countries our parents came from? Is it true he wants to round us up, Mr. GUTIÉRREZ, and deport us all?

It is very sad when the questions a Congressman gets from American high school students are about how much they should fear their own government, whether their own government is going to break up their families, whether their own government is going to treat them not as citizens and as equal partners, but as outsiders and pariahs in their own country.

When they hear that Trump is ''leading in the polls,'' they think that means there is a pretty good chance that he will be the next President. When they see him on TV shows like Jimmy Fallon, not to mention CNN and Fox News, they get the feeling that he is a celebrity that all of us in America admire.

When they hear that Trump is hosting ''Saturday Night Live''—not just being a guest but actually hosting, even after saying Mexican are mostly rapists, criminals, and drug dealers—they get the impression that calling whole groups of people rapists, criminals, and drug dealers based on their ethnicity or national origin is basically okay with us in America.

The real question these Chicago-area high school students have is: Hey, GUTIÉRREZ, what are you going to do to defend us from Donald Trump? What are you going to do to stand up for us?

This leads to an intense discussion about American politics. And I ask the students right back: What are you going to do to stand up for yourselves, for your community?

Look, motivating 17- and 18-year-olds to do something is not always easy, including motivating them to register to vote when they are old enough and to actually go out and vote. But when I ask these young Americans whether they plan to get registered and vote, every hand goes up in the classroom.

Donald Trump is spurring youth voter mobilization like I have never seen before. Nationally, we know that 93 percent of Latinos under the age of 18 are citizens of the United States and that every 30 seconds a Latino citizen turns 18. That is about a million a year for the next decade or so. If they are half as motivated as the young people I am talking to in Chicago, Donald Trump could have a tremendous impact on the youth vote in the coming election.

But let's be honest, do we really want to motivate civic participation through fear of deportation, racial profiling, and families being broken up? These are American teenagers growing up to distrust their government.

Trump wants to take us back to the good old days of race relations, which apparently means the 1950s, when President Eisenhower evicted millions of immigrants and U.S. citizens from the United States. Dr. Carson, who believes that human history is only about 5,000 years old—that is what he says, we have only been around 5,000 years—says of mass deportation schemes: ''I think it's worth discussing.''

Here in the House, we have considered measures to deport children more quickly, to make groups more distrustful of the police, and to delay Homeland Security funding.

Testifying on one of these bills before the Rules Committee last year, I made the unfortunate but real suggestion that Republicans were gravitating toward mass deportation policies, which provoked a response from the chairman, Mr. SESSIONS. He said: GUTIÉRREZ, ''there is no one in responsible Republican leadership that has said we should deport 13 or 11 million people. And I find it extremely distasteful that people would come here and suggest things that we have not suggested.''

Well, now that people are suggesting mass deportation openly and are gaining in the public opinion polls in the Republican Party, I wonder why there is so much silence from the Republican Members of this body.

But it is not just young Latino voters in Chicago that are being motivated by Republican attacks. When Republicans attack Planned Parenthood and block laws to guarantee equal pay for women, that motivates women to register and vote. When Republicans celebrate people who will not issue marriage licenses to two men or two women, a lot of people in the LGBT community get motivated to register and vote.

When Republicans rail against unions and block increases in the minimum wage, while, of course, they earn $174,000 a year, and block environmental standards and block sensible gun laws, a lot of working class and middle class Americans get motivated to register and vote.

Together with those young people I talked about at those high schools, we are forming a very, very powerful coalition, a coalition so powerful that some day, even Republicans themselves will want to be part of it.

HOLDING THE EPA ACCOUNTABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I rise today to bring awareness to the reckless acts of the Environmental Protection Agency.

On August 5, 2015, the EPA triggered the release of millions of gallons of toxic waste into the Animas River near Durango, Colorado, containing lead, arsenic, and other pollutants.

Originally, contaminated water was seeping into the Gold King Mine from another nearby mine. When the Gold King Mine owner refused to allow the EPA on his property, the EPA threatened to fine him up to $35,000 a day—let me repeat—$35,000 a day for a leak that wasn't coming from the owner's mine. It was only after these thuggish threats that he was forced to let the EPA on his property.

In fact, as recently as last week, investigators from the Interior Department concluded their independent investigation into the August spill and determined that the spill was preventible and occurred due to the actions of the EPA. The best that EPA administrator Gina McCarthy could do is say

that she was ''deeply sorry'' and that the spill was a ''tragic and unfortunate accident.'' That is not all: there was no accountability, no reparation, nothing.

How can the American people trust a government agency charged with protecting our environment when the same Agency is responsible for causing even more damage? Actions speak louder than words. This is more of the same from the EPA. They are another arm of the Federal Government looking to bully private citizens, but this is nothing new from the EPA.

Almost a decade ago, a gentleman from my district faced a costly, almost devastating battle with the EPA. Mr. Paul McKnight owned an old cotton warehouse in Senoia, Georgia. After a former deadbeat tenant of Mr. McKnight, who had already been responsible for the EPA spending $1.6 million in a brownfield cleanup, could not afford to remove 2,000 barrels of toxic waste from this warehouse that Mr. McKnight knew did not exist, the EPA was called in to inspect the building by some anonymous caller who said that they could smell a leak. Once the EPA got there, their inspector said they couldn't smell a leak. There was no leak, but they did find 2,000 barrels containing toxic material.

Without Mr. McKnight's knowledge, the EPA declared this warehouse an ''imminent fire hazard'' and cleaned up the chemicals at a cost of $800,000, even though the previous tenant had a bid of 170. Later, at a public forum, an EPA representative stated that the EPA had the funds to clean up the warehouse, only to bill Mr. McKnight later for that overpriced cleanup. Not only did they bill him for the overpriced cleanup, but they sought over $1 million in cleanup fees and placed a lien on his real estate holdings, including his farm and his home.

I helped Mr. McKnight to get the case reconsidered. After 8 years in court, he was able to get it reduced down to $600,000.

The EPA shouldn't use legal loopholes and cower behind exemptions at the cost of taxpayers and, not only that, to charge somebody that had no knowledge of the barrels even being there, rather than the man who put the barrels there. This gentleman served 1 year and 4 months in Federal prison for this. It was his second offense, and yet Mr. McKnight was fined over $1 million.

That is why I have introduced three bills over the last 2 months targeting the EPA. My bills: H.R. 3531, No Exemptions for EPA Act; H.R. 3655, EPA Pays Act; and H.R. 3699, Judgment Fund Taxpayer Accountability Act are all aimed at holding the EPA to the same standards and requirements as private citizens.

My bills remove these legal loopholes for the EPA and force them to repay the Federal Government for any damages the EPA causes. If I were to accidentally cause the same disaster, do you think that I would get off by just saying ''I'm sorry and I promise not to do it again''? That is why we have introduced these three bills.

So I ask my colleagues to, please, join me in holding the EPA accountable in any future accidents by supporting H.R. 3531, 3655, and 3699.

DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, in 1983, President Ronald Reagan wrote to then-Senate Majority Leader Howard Baker, urging him to raise the debt ceiling. In his letter, he said: ''The risks, the costs, the disruptions, and the incalculable damage lead me to but one conclusion: The Senate must pass this legislation before the Congress adjourns.''

Twenty-three years later, we now find ourselves 1 week away from defaulting on our debt for the first time in our Nation's history. Instead of making sure we preserve the full faith and credit of the United States, as President Reagan had done 18 times during his tenure, some want to hold our economy hostage to extract ideological wins.

This is not the time for partisan bickering and political gamesmanship, not when it means delaying Social Security benefits for seniors and those with disabilities, withholding paychecks from our brave Active Duty servicemembers, and postponing interest payments on government-issued bonds.

We have a responsibility to live up to our obligations no matter what. That is not politics; it is basic governing.

The longer we wait to meet our obligations and raise the debt ceiling, the closer we get to another credit rating downgrade, a spike in interest rates, and a severe slowdown in economic growth. This is not an overstatement.

Let's look back at what happened in 2013 during the last debt ceiling standoff. Just the possibility of default caused rates on Treasuries to rise by almost half a percentage point. That cost taxpayers as much as $70 million.

This time around, if we actually default, market forecasters estimate that interest payments on Treasuries would increase Federal deficits by $10 billion over the short term and by $70 billion a year after that. That is money that wouldn't be going to critical investments in research and development, education, and infrastructure.

On top of that, higher interest rates on Treasuries could lead to a 1 percent reduction in GDP. That would mean the loss of almost 700,000 jobs, and that is just a conservative estimate.

Make no mistake, every American would be impacted. Middle class families looking to buy a home would face higher mortgage rates. A half a percentage point increase in mortgage rates would increase the lifetime cost of an average home loan by almost $19,000. Small-business owners would face difficulties trying to secure new loans as lending tightens up. And students will have an even harder time trying to pay for college as student loan rates skyrocket.

We owe it to our constituents to move toward responsible governing and away from governing by crisis, which has become all too common around here.

The bipartisan budget package unveiled last night affirms the full faith and credit of the United States and represents real progress for hard-working American families who are tired of threats of default and partisan gridlock.

Now is not the time for politics. Now is the time for thoughtful consideration, bipartisan compromise, and, most importantly, finding a path forward for the American people.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, this is the last week of National Breast Cancer Awareness Month. Before it ends, I would tell the American people about two amazing women from Sugar Land, Texas, two good friends of my family, two women who are here for a reason, two people who are touching others in need, two people who are making a difference.

□ 1030

Meet Irma and Sasha. Stunning, aren't they? They are related. They look like sisters, but they are not. They are mother and daughter. The mom, Irma, is on the left. Her baby girl, Sasha, is on the right. Irma and Sasha are sisters in a cause. Both have fought breast cancer, and both have won.

Each year over 200,000 American women hear four crushing words: You have breast cancer. Irma feared those words because she knew they may be coming. Both of her sisters heard those four words. One died.

Irma beat her cancer, but lived in fear. With her family's history of breast cancer, her daughter had a good chance of hearing those four terrible words. Five years after Irma beat breast cancer, Sasha banged on her door, crying without end. She was 31, and she had aggressive breast cancer.

Irma was by Sasha's side every second of her fight against cancer. Mom watched her daughter lose each breast. Mom watched her daughter go through 16 rounds of harsh chemotherapy. Mom watched her daughter lose all of her hair, her eyebrows, her eyelashes. Mom watched her daughter lose that smile. Sasha thought that she was no longer beautiful. Her will to fight was decreasing.

Irma took charge. She told Sasha that ''no matter how sick you feel, get

up, shower, and put some lipstick on. You are beautiful.''

Then it hit both of them. They were women of style and grace. Cancer took that away. The only wigs they could find looked good on circus clowns. There was not a beauty shop for women with breast cancer, a place where they are pampered, a place where they are beautiful. They were going to end that.

Dad had no choice. He gave Sasha his life savings, and in 2013 my wife and I walked into our friends' dream store, Cure & Co., on its opening day. Cure & Co. gives women with cancer real wigs, real facials, and real beauty products. Sasha and Irma give their clients hope and love in the worst of times, the greatest gifts of all.

Look one last time at Irma and Sasha. They are gorgeous, stunning, and beautiful. They have had breast cancer. Both of them have beaten breast cancer, and both of them will never leave the fight until breast cancer is cured forever.

REFUGEE CRISIS IN EUROPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week I came to the floor and recommended that the Obama administration appoint a special envoy with a very broad portfolio: dispatched to work on a diplomatic solution to the tragedy that is destroying Syria and unfolding in the Middle East, now having broad impact in greater Europe.

I want to point out to those who are listening that the displacement crisis in the Middle East, centered in Syria, has consumed seven nations and propelled the largest refugee crisis Europe has faced since World War II. Already in Syria, over a quarter of a million people have been killed—civilians—and that is probably a low number.

With over 12 million people displaced, Europe is being besieged by hundreds of thousands, legions, of the dispossessed. Meanwhile, it almost seems surreal that no effective diplomatic negotiation is underway that holds the prospect of leading to peace.

I again ask the Obama administration to dispatch a special envoy with a broad portfolio to work full time on a diplomatic solution to the tragedy that is destroying Syria.

Then yesterday in The New York Times appeared an editorial by the legendary 39th President of the United States, Jimmy Carter, entitled ''A Plan to End the Syrian Crisis.'' I served President Carter during his years in the Presidency.

I well remember the incredible moment in 1979 when President Carter stood with Anwar Sadat, the President of Egypt, and the Prime Minister of Israel, Menachem Begin, and they signed that treaty in March of 1979. Who would have ever thought that that moment in history would have been possible? Yet, until today, that treaty holds between Egypt and Israel, and it has made a gigantic difference in the saving of lives in that extremely troubled region.

In his editorial to The New York Times, President Carter references that the Carter Center—which he founded and to which he has dedicated his life with his wife Rosalyn ever since his service as President—has been deeply involved in Syria since the early 1980s. Who would know more than he?

He recommends the only real chance of ending the conflict is to engage the United States, Russia, Iran, Turkey, and Saudi Arabia in preparing a comprehensive peace protocol with Syria. He knows what that requires. He recommends a cease-fire, formation of a unity government, constitutional reforms, and elections.

Mr. Speaker, I include for today's RECORD the editorial entitled ''A Plan to End the Syrian Crisis.''

I say to my colleagues and to those who are listening: As we watch this tragedy unfold, our Nation is the most powerful nation in the world. Surely, we should have the wisdom and the will to take this latest tragedy, which we had no small part in precipitating, and find a way to bring the parties to the table.

What is happening in Syria due to the lack of a diplomatic solution is now impacting Europe in ways that we have not seen since World War II. It is very destabilizing.

With what is happening inside Ukraine today due to Russia's invasion, with over 1.7 million displaced persons internally, if Russia would happen to turn the tourniquet tighter in eastern Ukraine and cause additional displacement across Europe, imagine what the winter months would bring.

I can't urge in strong enough terms that the Obama administration pay heed to President Carter's very lucid editorial in yesterday's New York Times. I commend all Members and citizens to read it.

[From the New York Times, Oct. 26, 2015]

A PLAN TO END THE SYRIAN CRISIS

(By Jimmy Carter)

I have known Bashar al-Assad, the president of Syria, since he was a college student in London, and have spent many hours negotiating with him since he has been in office. This has often been at the request of the United States government during those many times when our ambassadors have been withdrawn from Damascus because of diplomatic disputes.

Bashar and his father, Hafez, had a policy of not speaking to anyone at the American Embassy during those periods of estrangement, but they would talk to me. I noticed that Bashar never referred to a subordinate for advice or information. His most persistent characteristic was stubbornness; it was almost psychologically impossible for him to change his mind—and certainly not when under pressure.

Before the revolution began in March 2011, Syria set a good example of harmonious relations among its many different ethnic and religious groups, including Arabs, Kurds, Greeks, Armenians and Assyrians who were Christians, Jews, Sunnis, Alawites and Shiites. The Assad family had ruled the country since 1970, and was very proud of this relative harmony among these diverse groups.

When protesters in Syria demanded long overdue reforms in the political system, President Assad saw this as an illegal revolutionary effort to overthrow his ''legitimate'' regime and erroneously decided to stamp it out by using unnecessary force. Because of many complex reasons, he was supported by his military forces, most Christians, Jews, Shiite Muslims, Alawites and others who feared a takeover by radical Sunni Muslims. The prospect for his overthrow was remote.

The Carter Center had been deeply involved in Syria since the early 1980s, and we shared our insights with top officials in Washington, seeking to preserve an opportunity for a political solution to the rapidly growing conflict. Despite our persistent but confidential protests, the early American position was that the first step in resolving the dispute had to be the removal of Mr. Assad from office. Those who knew him saw this as a fruitless demand, but it has been maintained for more than four years. In effect, our prerequisite for peace efforts has been an impossibility.

Kofi Annan, the former United Nations secretary general, and Lakhdar Brahimi, a former Algerian foreign minister, tried to end the conflict as special representatives of the United Nations, but abandoned the effort as fruitless because of incompatibilities among America, Russia and other nations regarding the status of Mr. Assad during a peace process.

In May 2015, a group of global leaders known as the Elders visited Moscow, where we had detailed discussions with the American ambassador, former President Mikhail S. Gorbachev, former Prime Minister Yevgeny M. Primakov, Foreign Minister Sergey V. Lavrov and representatives of international think tanks, including the Moscow branch of the Carnegie Center.

They pointed out the longstanding partnership between Russia and the Assad regime and the great threat of the Islamic State to Russia, where an estimated 14 percent of its population are Sunni Muslims. Later, I questioned President Putin about his support for Mr. Assad, and about his two sessions that year with representatives of factions from Syria. He replied that little progress had been made, and he thought that the only real chance of ending the conflict was for the United States and Russia to be joined by Iran, Turkey and Saudi Arabia in preparing a comprehensive peace proposal. He believed that all factions in Syria, except the Islamic State, would accept almost any plan endorsed strongly by these five, with Iran and Russia supporting Mr. Assad and the other three backing the opposition. With his approval, I relayed this suggestion to Washington.

For the past three years, the Carter Center has been working with Syrians across political divides, armed opposition group leaders and diplomats from the United Nations and Europe to find a political path for ending the conflict. This effort has been based on data-driven research about the Syrian catastrophe that the center has conducted, which reveals the location of different factions and clearly shows that neither side in Syria can prevail militarily.

The recent decision by Russia to support the Assad regime with airstrikes and other military forces has intensified the fighting, raised the level of armaments and may increase the flow of refugees to neighboring countries and Europe. At the same time, it has helped to clarify the choice between a political process in which the Assad regime

assumes a role and more war in which the Islamic State becomes an even greater threat to world peace. With these clear alternatives, the five nations mentioned above could formulate a unanimous proposal. Unfortunately, differences among them persist.

Iran outlined a general four-point sequence several months ago, consisting of a ceasefire, formation of a unity government, constitutional reforms and elections. Working through the United Nations Security Council and utilizing a five-nation proposal, some mechanism could be found to implement these goals.

The involvement of Russia and Iran is essential. Mr. Assad's only concession in four years of war was giving up chemical weapons, and he did so only under pressure from Russia and Iran. Similarly, he will not end the war by accepting concessions imposed by the West, but is likely to do so if urged by his allies.

Mr. Assad's governing authority could then be ended in an orderly process, an acceptable government established in Syria, and a concerted effort could then be made to stamp out the threat of the Islamic State.

The needed concessions are not from the combatants in Syria, but from the proud nations that claim to want peace but refuse to cooperate with one another.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 39 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

God of wisdom, we give You thanks for giving us another day.

Prior to the Great Compromise, Benjamin Franklin addressed the Constitutional Convention: ''We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. In this situation of this assembly, groping as it were in the dark to find political truth and scarce able to distinguish it when presented to us, have we now forgotten (our) powerful friend?''

Lord, You are the powerful friend referred to by Franklin, and we turn again to You to ask that Your wisdom might break through the political discussions of these days.

Bless the Members of the people's House and all of Congress with the insight and foresight to construct a future of security in our Nation's politics, economy, and society. May they, as You, be especially mindful of those who are poor and without power.

May all that is done today be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DOLD) come forward and lead the House in the Pledge of Allegiance.

Mr. DOLD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

BREAST CANCER AWARENESS MONTH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, October marks Breast Cancer Awareness Month, a month to especially recognize and celebrate breast cancer patients, survivors, and advocates. While breast cancer affects individuals and families throughout the year, I especially appreciate the awareness and advocacy efforts that occur this week, especially the Walk for Life and Women's Night Out.

The Walk for Life/Race for Life at Palmetto Health, though rescheduled due to tragic flooding, is celebrating 25 years of raising funds and awareness for survivors and treatment in the Midlands. In the past 25 years, the Walk for Life, led by Chair Janet Snider, has gone from 200 participants in the first year to over 11,000 participants last year, raising over $800,000.

Women's Night Out at Lexington Medical Center, led by President Mike Biediger, is an inspiring evening at Burkett, Burkett & Burkett CPAs where the hospital honors breast cancer patients, survivors, and their families.

I know firsthand of the success at Lexington Medical Center where my son, Addison, in high school, was successfully treated for thyroid cancer and now himself is an orthopedic surgeon.

In conclusion, God bless our troops, and may the President by his actions never forget September the 11th in the global war on terrorism.

EXPORT-IMPORT BANK

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, this summer, when a small group of Republicans successfully blocked the renewal of the Export-Import Bank, they were very dismissive of the negative effects their efforts would have on job creation here in our country. Now it is autumn, and without the Ex-Im Bank, we are losing American jobs.

Last month, General Electric announced it will move production of large, gas-powered engines to Canada, along with 350 jobs, because the company cannot access financing from the Export-Import Bank.

Boeing was recently told by a Singapore-based satellite company not even to bother bidding on a satellite contract because they lacked the financing from Ex-Im.

These are just a few real-life examples of the real-world consequences of letting Ex-Im expire. There is never a good time to commit economic suicide.

I urge my colleagues to join together in renewing the Export-Import Bank and saving and growing American jobs.

BREAST CANCER AWARENESS MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today to recognize October as Breast Cancer Awareness Month. This disease has touched everyone in some way, and we must do all we can to fight it.

An astonishing one in eight women will be diagnosed with breast cancer over the course of her lifetime. This is one of the many reasons that I supported increased funding for the National Institutes of Health. American scientists and researchers are the best in the world, but they do need our support to put an end to this disease once and for all.

I am also proud to be the lead Republican sponsor of H.R. 1925, a bill to award a Congressional Gold Medal to Dr. Ernie Bodai, the creator of the breast cancer research stamp. Since its introduction in 1998, the stamp has been an effective tool for increasing awareness and has raised over $80 million to support the cause.

This month, please take a moment to join me in remembering those who lost the battle to breast cancer, while celebrating survivors, those currently fighting the disease, and all of those helping women live longer, healthier lives.

SOLAR ENERGY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, solar energy serves the national interest in a number of ways. It is reducing our reliance on fossil fuels that are causing climate change. It is helping America

to become energy independent. It is creating jobs, 3,000 of them, at or near the solar plant under construction in Buffalo, New York.

Solar panels empower consumers to generate clean and affordable energy at home and to sell the extra energy that they do not use to the grid. A policy called ''net metering,'' which requires utilities to pay a fair price for this energy to the consumer, is currently in place in all but six States. It has been vital to the growth of the solar industry by providing consumers with certainty on the savings that solar will produce in their energy bill.

That is why I have introduced legislation to direct the Department of Energy to conduct a study on all of the impacts of net metering. Through a comprehensive analysis, we can ensure that regulators and policymakers have the accurate information they need to make a sound decision on whether to support consumer-generated solar energy.

NATIONAL DEFENSE AUTHORIZATION ACT VETOED

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, my heart breaks for our military men and women who last week watched their Commander in Chief as he vetoed the NDAA, the National Defense Authorization Act. This was a bill that would give them more pay and better benefits for the job that they are doing. He vetoed it, great flourish, called a ceremony.

He vetoed the bill because he wanted more money for his domestic agenda that includes more money for broken agencies like the EPA and the IRS. Imagine that.

In Congress, our first responsibility is to provide for the common defense, and the NDAA just does that.

This year's defense bill passed both the House and the Senate with an overwhelming bipartisan majority. It is the most reform-centered defense bill in decades.

It includes pay and benefits for our troops. Did you know 83 percent of our military personnel have retired with no retirement benefits? It changes that.

The President vetoed it. It would have given them 401(k)-style benefits. The President vetoed it. He should be ashamed of those actions. The men and women in uniform deserve better.

NATION'S CRUMBLING INFRASTRUCTURE

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, well, it is long past time for Congress to do its job and get serious about funding a long-term solution to fix our crumbling roads and bridges, all of our infrastructure in this country.

In Michigan, of all States, we know that we need to invest in order to grow our economy. To build a 21st century economy, we need state-of-the-art infrastructure.

No more short-term fixes, no more month-to-month funding. I have voted against these short-term bills in the past, and I am going to continue to do so.

We are in urgent need of dramatic investment in infrastructure. Nearly a third of our roads are in poor or mediocre condition. One out of four of our bridges require significant repair. In my own hometown, our water infrastructure is wholly inadequate to provide even clean water to our residents.

We just cannot continue to threaten our economy by failing to do our job. Congress needs to do its job. The American people go to work every single day, and the least that they can expect is that we do the same thing and do our job.

If we really believe in our future in this Congress, we ought to be willing to invest in it.

FAIRNESS AND OPPORTUNITIES FOR MARRIED HOUSEHOLDS WITH STUDENT LOANS ACT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, student loan debt is now the fastest growing and second-largest type of household debt in America. It is no surprise that many Americans are putting off marriage and family life for financial reasons.

The decline in marriage is a problem that could impact our economy and society for decades to come. Yet, our Tax Code punishes married households who have student debt. That is why I have introduced the Fairness and Opportunities for Married Households With Student Loans Act.

Currently, an individual with student loans can deduct up to $2,500 in interest paid on their loans, but that amount does not increase for married couples filing jointly. So spouses who both have student loan debt are limited to just one $2,500 deduction. This is not fair.

My bill increases the deduction to $5,000 for married couples. It only makes sense. It also strengthens incentives toward marriage and financial independence.

With student debt putting pressure on our economy, let's stop penalizing marriage and start helping families build a stronger future.

2015 JOBS FAIR AND ECONOMY

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I recently hosted my third annual hiring event where 500 applicants connected with more than 70 employers looking to fill positions.

I was delighted to see Ramona Young and Sommatra Jackson at the event, two women hired at my first event in 2013. They were back this year representing the company that hired them.

Their success continues to motivate me. For every Ramona and Sommatra, there are hundreds of Americans looking for good-paying jobs that allow them to build toward a future.

So today I rise on behalf of those American workers still looking for good-paying jobs.

We all know the statistics. Our economy is growing. After 67 months of consecutive job growth, our unemployment rate stands at 5.1 percent for the first time since 2008, but the fact is there are nearly 8 million Americans still searching.

The people I met at my hiring event were talented, skilled, and driven. They are hungry for an opportunity to work, to put their skills to good use, and to provide for their families.

I urge my colleagues to join me in creating an economy that works for everyone.

DOMESTIC VIOLENCE AWARENESS

(Mr. COSTELLO of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to recognize October as Domestic Violence Awareness Month. Far too many families fall victim to domestic violence. In fact, one in four women will experience domestic violence at some point in their lives.

I want to recognize and thank the organizations, their staff, and their volunteers across my district for what they do to help victims of domestic violence.

To cite just one example, Mr. Speaker, last week the Berks Women in Crisis held their annual Silent Witness Project march and ceremony to honor and remember victims lost. A group of about 75 people marched from the Berks Women in Crisis center to the Reading Area Community College, carrying 25 red silhouettes of women, men, and children killed due to domestic violence. Each cutout held a brass shield with the summary of that victim's story.

By spreading awareness of these horrors of domestic violence and encouraging victims to speak up, we can and must help reduce the number of women victimized.

I applaud the efforts of this annual ceremony and march and want to let them know that their work is recognized by the community. Indeed, the work of all the organizations, their staff, and volunteers is critical.

□ 1215

STAND WITH SHERIFF LUPE VALDEZ

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to stand with Lupe. That is Dallas County Sheriff Lupe Valdez. Sheriff Lupe Valdez has a great history in Dallas County, but recently she has come under attack from our Governor for trying to build relationships between the law enforcement community and the immigrant community.

Governor Abbott sent a threatening letter to Sheriff Valdez, questioning her decision to decline certain Federal ICE detainers when the immigrant in question is not a public safety risk—not a public safety risk.

Sheriff Valdez understands that, in order to serve and protect the immigrant community, she must have the trust of that community.

I call on Governor Abbott, instead of trying to erode that trust between law enforcement and the immigrant community, to work with the Republican Texas delegation to push for comprehensive immigration reform, to push for the things that the business community wants, that the church community wants, in order to do something about our broken immigration system instead of trying to push for things like sanctuary city bills.

If we work together with the immigrant community and do the right thing, together we can work on solving a lot of these issues.

I ask my colleagues and the Governor to stand with Lupe and to do the right thing when it comes to Texas immigrants.

HONORING VESTA MANGUN

(Mr. ABRAHAM asked and was given permission to address the House for 1 minute.)

Mr. ABRAHAM. Mr. Speaker, I rise today to honor a faithful and God-fearing woman, Ms. Vesta Mangun of Alexandria, Louisiana, who will soon be celebrating her 90th birthday.

Ms. Mangun is a dedicated member of The Pentecostals of Alexandria Church. She has been instrumental in the life and spirit of the Pentecostal community for a long, long time.

Ms. Mangun and her husband, G.A. Mangun, started The Pentecostals of Alexandria when it was known as the First United Pentecostal Church with just 38 members. Today The Pentecostals of Alexandria is made up of thousands of members, largely thanks to the dedication of the Mangun family.

The work of Ms. Mangun extends far beyond community. A daughter of an east Texas pioneer, Vesta Mangun has dedicated her life to sharing the Lord's word as a speaker at camp meetings across the country and across the world.

I commend the Mangun family for their tireless dedication to Louisiana, and I congratulate The Pentecostals of Alexandria in their celebration this week commemorating 65 years of ministry.

GOOD THINGS AND BAD THINGS

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, today we will have an opportunity to support the Export-Import Bank opening so that constituents across America, including Houston, Texas, will have the opportunity to grow jobs and to compete internationally. That is a good thing, Mr. Speaker.

Soon I hope we will be able to reopen Riverside Hospital in my congressional district with the collaboration and work with Health and Human Services and State authorities to open the doors for those who need health care. That is a good thing.

Mr. Speaker, the showing of a video of a student being dragged out of a classroom violently while educators stand by and watch is a bad thing. It calls upon the Justice Department of that State, the Attorney General, and the local district attorney to stand up and be counted. It also calls upon the U.S. Department of Justice to determine whether the civil rights of that student were violated.

Not one American should be able to tolerate the heinous, horrific, violent actions of throwing a young girl student on the floor, up against the door, dragged as if she were a bag of potatoes. No one should tolerate that.

Mr. Speaker, I call upon everyone to address the conditions in schools and violence along with those who are perpetrating these acts against students.

NDAA VETO

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, last week the President once again disappointed the American people while only seeking to advance his own political agenda. Despite only vetoing four bills in 7 years, the President took the extraordinary measure of vetoing a bill vital to keeping Americans safe.

The annual National Defense Authorization ensures our troops have the tools and training they need to destroy our enemies and to return to their loved ones back at home. This bill has been passed for 53 consecutive years, yet this President saw fit to veto it, putting campaign promises above our military and the American people.

Mr. Speaker, the world is not becoming a safer place. In fact, it is becoming much more dangerous. China is building military islands in the South China Sea. The Russians are destabilizing Europe. Foreign fighters are flooding to ISIS by the thousands. Iran is on the path to having a nuclear weapon. Yet this President is more concerned about liberal politics than he is about the safety of our Nation. As a veteran, I find it disgraceful.

WEAR RED WEDNESDAY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, tomorrow is Wear Red Wednesday to Bring Back Our Girls.

This month President Obama announced he will deploy 300 troops to Cameroon to help with the fight against the ISIS-linked terrorist organization, Boko Haram. These American troops will provide vital intelligence, surveillance, and reconnaissance support to the multinational regional coalition fighting Boko Haram.

I applaud the President's commitment to rooting out and destroying radical terrorism in the region. This newly announced aid could be a turning point in the fight against Boko Haram.

Mr. Speaker, until the precious Chibok girls are returned, we will continue to wear red and continue to tweet, tweet, tweet. Continue to tweet, tweet, tweet #bringbackourgirls. Tweet, tweet, tweet #joinrepwilson.

OCTOBER IS NATIONAL FARM TO SCHOOL MONTH

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute.)

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize a very innovative program in my home State of Arkansas. Governor Asa Hutchinson proclaimed October to be Farm to School Month. The Farm to School program provides healthy, locally grown food to our State's schools while creating new revenue streams for our Arkansas farmers.

According to the USDA, 169 schools, serving over 86,000 young Arkansans, participate in the program. This directed over $600,000 into local economies by purchasing products from local farmers.

The Farm to School program helps to combat childhood obesity by encouraging healthy eating habits among our youngest, most impressionable citizens. Also, at a time when families are moving away from the rural, agricultural parts of our Nation, I believe it is vital that our children know how and where their food is produced. The Farm to School program helps to educate them.

Mr. Speaker, I believe the Farm to School program is important to the economy, health, and education of Arkansas' Fourth District. I look forward to working with the many stakeholders in Arkansas to see the continued success of the Farm to School program.

CLEAN THE BARN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, Speaker BOEHNER has pledged to clean the barn before handing the Speakership over later this week.

So far, we are off to a good start. First, a bipartisan majority is finally able to reauthorize the Export-Import Bank. Ex-Im supports countless American jobs and historically has enjoyed broad bipartisan support.

Today we learned of a bipartisan deal. I am still reviewing the details of this compromise, but I am encouraged that the leaders of both parties came together to protect the full faith and credit of the United States and to reduce the burden of sequestration.

Now, I represent the heart of San Diego. We don't have many farms in my district, but even I know that, when you put off cleaning the barn, the you-know-what tends to pile up.

There is so much more that Congress should be doing that we are not doing this week. We still need a highway bill that will improve our Nation's infrastructure and create jobs. We need meaningful immigration reform and a deal to get rid of sequestration once and for all.

Let's hope this week marks the beginning of an effort to not just clean the barn, but to keep the barn clean.

FIRST ANNUAL CRISTINA GOMEZ 5K RUN/WALK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to urge south Floridians to run or walk this Sunday, November 1, to support the Cristina M. Gomez Traumatic Brain Injury Foundation—TBI Foundation—at its first annual Cristina Gomez 5K Run/Walk at Miami Executive Airport.

Cristina was a senior majoring in education at my alma mater, Florida International University, when she suffered a traumatic brain injury after falling while out on a run.

While her family is encouraged by Cristina's slow, but steady, recovery, she still requires 24/7 care, and her continuing treatment is not fully covered by insurance, concerns that they share with many other families.

As a result, proceeds from Sunday's event will help ensure that other traumatic brain injury victims and their families in our community receive the emotional and the financial support they need to keep hope alive.

Registration is online now at cristinagomezfoundation.org.

WHITE HOUSE INITIATIVE FOR EDUCATIONAL EXCELLENCE FOR HISPANICS

(Mr. CASTRO of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTRO of Texas. Mr. Speaker, this year marks the 25th anniversary of the White House Initiative on Educational Excellence for Hispanics, a bipartisan effort to increase educational opportunities and improve educational outcomes for Latinos in America.

Over the past 2½ decades, the initiative has made great progress. The percentage of Hispanics with a high school degree has jumped by nearly 20 percent. The percentage of Hispanics dropping out of high school is nearly 20 percent lower. The percentage of Hispanics with a bachelor's degree or higher has nearly doubled.

Progress like this is possible because of so many committed organizations across our Nation. The initiative has identified certain ''Bright Spots'' in this effort, and I would like to recognize those programs that received the ''Bright Spot'' designation in my own congressional district.

They are: The Academy for Teacher Excellence, the Graduate Support Center at UIW, IDRA's Coca-Cola Valued Youth Program, Northwest Vista College's College Connection Program, and San Antonio College's College and Grants Development Department.

Congratulations to these ''Bright Spots,'' and thank you to all the organizations out there helping to make this program a success.

HOME HEALTH CARE PLANNING IMPROVEMENT ACT

(Mr. GUINTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUINTA. Mr. Speaker, I rise to bring attention to the dire need for nurses in the Granite State. The New Hampshire Union Leader—my newspaper of Manchester, New Hampshire—reports the need will only increase as our population ages and more nurses reach retirement.

Also, healthcare facilities are concentrated outside the State, increasing the need for healthcare practitioners in New Hampshire. I recently hosted a Manchester Job Fair to help meet the need, and I am a proud cosponsor of the Home Health Care Planning Improvement Act of 2015.

Right now, according to Medicare rules, a nurse practitioner may not prescribe home healthcare services for beneficiaries. They must seek a doctor's permission, a process that would take weeks in rural areas like northern New Hampshire.

The New Hampshire Nurse Practitioner Association visited me in Washington last month to tell me about this critical problem. Current rules add extra time and cost to home health care. Qualified nurses should be able to make the best decisions for their patients, especially in the isolated or homebound arena.

The Home Health Care Planning Improvement Act would allow nurses to do their jobs and help patients recover. It is time to remove a needless layer of bureaucracy and give them the tools they need to succeed.

□ 1230

FARM TO SCHOOL ACT OF 2015

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I urge the House to pay attention to the Farm to School Act of 2015. Like my colleague from Arkansas, California is a big agricultural State, and we know that kids go hungry.

We have the 2010 Healthy, Hunger-Free Children Act, providing some $5 million annually in competitive programs for schools to establish the Farm to School Act programs. These programs are vitally important to farmers, increasing their income, but even more important to kids who can get good, healthy food, locally grown and available in their schools.

So let's pay attention here. Let's get this new bill underway. Let's move this program forward. Let's put some money so our kids can have good food and our local farmers can have a good market.

FREE AND FAIR ELECTIONS IN TURKEY

(Mr. TROTT asked and was given permission to address the House for 1 minute.)

Mr. TROTT. Mr. Speaker, I rise today to highlight the upcoming Parliamentary elections being held in Turkey. With so much on the line for Turkey, both domestically and internationally, it is my sincere hope that the elections are held in an environment that is consistent with international standards on November 1.

Free and fair elections are a fundamental part of any democratic society, and Turkish citizens of all backgrounds deserve to know that not only does their vote count, but it will be cast in a welcoming, safe and open atmosphere.

Freedom of the press is also a crucial part of democracy and, with the future of Turkey at the forefront of the November elections, Turkish citizens deserve to hear every narrative, and journalists and reporters should not have to worry about intimidation or legal action, simply for doing their jobs.

As Turkey enters a pivotal moment in its history, I wish them a safe and successful election day. And just like any democratic society, the real winners at the end of the day will be the citizens of Turkey.

CONGRESS' LAST SHORT-TERM EXTENSION OF THE HIGHWAY BILL

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, today we will vote on what, hopefully, will be this Congress' last short-term extension of the highway bill. We have made progress on a long-term bill, and the House should consider that legislation next week. This is good news.

But the short-term bill also includes an inevitable but disappointing extension of the deadline for railroads to install positive train control technology. This technology can prevent train accidents and is designed to save lives.

Originally, Congress gave railroads 7 years to install positive train control, but as that deadline approaches, the railroads are woefully behind schedule. With the railroad industry's threat to shut down over our heads, we have no choice but to go through with this extension.

I worry what the consequences will be for this. This has to be the last delay that we give to the railroads.

Congress did not mandate positive train control to be a thorn in the railroads' side. It was done to save lives.

SETTING THE RECORD STRAIGHT ON MEAT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to set the record straight regarding a claim this week by the International Agency for Research on Cancer classifying processed meats as carcinogenic and red meat as a probable carcinogen.

According to the American Cancer Society, there is a lifetime risk of developing colorectal cancer of 5 percent. By this organization's own findings, eating a cold-cut sandwich or a hot dog every day would only raise that risk to around 6 percent.

Doctors with the International Agency for the Research on Cancer admit that the risk for someone to develop cancer due to red meat consumption is dwarfed by the risk caused by cigarette and alcohol consumption.

With that in mind, Mr. Speaker, this study should not be used for scaremongering in causing people across the Nation to believe that red meats or processed foods are dangerous.

The fact remains that variety is the key to a healthy, well-balanced diet, and that cancer is not caused by a single food.

FIX OUR BROKEN IMMIGRATION SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, today I call upon the House of Representatives to finally fix our broken immigration system.

The American people have had enough. They have had enough of the lack of security around our borders. They have had enough of the economic damage of not being able to hire and retain the people we need to grow our economy and make us strong.

We have had enough of the chaos within our borders, of the difficult decisions that police and law enforcement officials have had to make with regard to enforcing a set of unenforceable laws, under which more than 10 million people here don't have documentation.

This needs to end. We should not have 12 million illegal immigrants. We should not have 8 million illegal immigrants. We shouldn't even have 1 million illegal immigrants.

If we simply acted upon the bipartisan proposal that passed the Senate with more than two-thirds support last session and, I believe, would pass the House today if we brought it to the floor, we would finally unite families, secure our borders, boost our economy, and end the enormous number of people who are here without their papers.

I call upon this body to act.

CONGRATULATING PAUL MODRICH AND AZIZ SANCAR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I rise to congratulate scientists Paul Modrich of Duke University and Aziz Sancar of the University of North Carolina at Chapel Hill on winning the 2015 Nobel Prize in Chemistry. They share this prestigious award with Swedish scientist Tomas Lindahl for their work in understanding how cells repair damaged DNA.

Dr. Modrich is the James B. Duke Professor of Biochemistry at Duke's medical school and a member of the Duke Cancer Institute. He is also an investigator with the Howard Hughes Medical Institute. Dr. Modrich's research has demonstrated how the cell corrects errors that occur when DNA is replicated during cell division.

Dr. Sancar is the Sarah Graham Kenan Professor of Biochemistry at UNC's medical School. Only the second Turk to win a Nobel Prize, he is the cofounder of the Aziz and Gwen Sancar Foundation, a nonprofit organization that promotes Turkish culture and supports Turkish students in the United States. Dr. Sancar has mapped the mechanism that cells use to repair UV damage to DNA.

Congratulations to Dr. Modrich and Dr. Sancar on their extraordinary achievements. We are fortunate they call North Carolina home.

EX-IM BANK DISCHARGE REAUTHORIZATION

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of reauthorizing the Export-Import Bank.

In the First District of Georgia, the Ex-Im Bank facilitates exports for over 17 companies, more than half of which are small businesses, over $500 million in exports, and supports over 3,200 jobs.

Around Georgia, those numbers jump to more than $4 billion in exports from 205 companies supporting almost 30,000 jobs.

With the recent expiration of the Ex-Im Bank, many of these companies have suffered the loss of millions of dollars in new business growth, market access, and risked thousands of jobs.

While we stand here debating the future of the Ex-Im Bank, our competitors are leveraging their own versions of their export-import agencies to increase their market shares abroad.

While I advocated for reforms that go further than this legislation, it does provide critical reforms necessary to ensure taxpayers are protected while allowing the bank to do its important work.

Passing this legislation is essential to protecting thousands of jobs, and I urge my colleagues to join us in reauthorizing the Ex-Im Bank and to let the world know America is open for business.

CONGENITAL HEART FUTURES ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today on behalf of the nearly 1 in 100 newborns born with congenital heart disease. Congenital heart disease is the most common birth defect and is the number one cause of birth defect related deaths.

This disease demands our attention. That is why I founded the Congenital Heart Caucus, and that is why, this week, I am introducing legislation to reauthorize the Congenital Heart Futures Act.

This legislation focuses on studying, educating, and raising awareness of the continuing impact congenital heart disease has throughout the life span. It promotes more research at NIH and encourages the need to seek and maintain lifelong, specialized care.

This bill helps give hope to the 40,000 babies born with congenital heart disease each year and their families across the U.S. I urge my colleagues to support this very important bill. We must continue our efforts to help our future generations live longer, healthier lives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 2015.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 27, 2015 at 9:39 a.m.:

That the Senate passed without amendment H.R. 313.

That the Senate passed with an amendment H.R. 639.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO RECOMMIT ON H.R. 597, REFORM EXPORTS AND EXPAND THE AMERICAN ECONOMY ACT

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to recommit on H.R. 597 may be subject to postponement as though under clause 8 of rule XX.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1090, RETAIL INVESTOR PROTECTION ACT

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1090) to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-31 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Lynch of Massachusetts or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Resolution 491 currently under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased today to bring forward this rule on behalf of the Rules Committee and the hundreds of thousands of young men and women who one day hope to retire.

The rule provides for consideration of H.R. 1090, the Retail Investor Protection Act. The Rules Committee met on this measure yesterday evening and heard testimony from both the chairman and ranking member of the Financial Services Committee.

The rule brought forward by the committee is a structured rule. There was only one amendment submitted to the Rules Committee on this bill, and the House will have the opportunity to debate and vote on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH) later today.

□ 1245

This legislation went through regular order in the Financial Services Committee and was also passed by the House in the 113th Congress by a vote of 254–166 with a number of my friends from the other side of the aisle voting for the legislation. I hope we can put aside our political differences and vote in a similar bipartisan fashion here today.

This rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Financial Services Committee.

Mr. Speaker, I look forward to hearing the stories that Members will share highlighting the desperate need for H.R. 1090 to become law.

I also have heard firsthand from men and women in my district who are scared about their financial future. Navigating retirement planning can be a difficult task, especially for young men and women just entering the workforce. They often rely on financial planners to offer advice on the steps they need to take today so one day they can retire.

I had the opportunity to meet with one of those financial planners in my office just a few months ago. Beth Baldwin is a financial planner who works for Edward Jones in my hometown of Gainesville, Georgia. She took the time to come to Washington to meet with me and other elected officials because she was scared about the impact that the fiduciary rule would have on her ability to do her job. She told me that the administration's fiduciary rule prevents her from helping people.

Beth told me that financial advisers should always provide advice that is in their client's best interest, but the rule places unnecessary and burdensome requirements on both advisers and clients.

That is not what we are about as a country, Mr. Speaker. We are the world's greatest economic engine, the land of hope and opportunity, because we believe in the ingenuity and hard work of people. Our founders believed in people. They were on their team, and they created a governmental structure that is for the people and by the people. Frankly, Mr. Speaker, that is what this Republican majority stands for: the people who get up every day looking to how they can make it better.

The Republican majority is for people. We believe in their hopes, we believe in their dreams, and we want them to succeed. When my son gets a little older and starts thinking about retirement, I want him to be able to go to a professional and get some advice and seek good information.

If H.R. 1090 isn't signed into law, then financial advisers like Beth Baldwin won't be able to help him. In fact, they won't be able to help others who have helped my family, like Wayne Parrish, who is a dear friend of our family, but is also someone who advises us in our financial decisions. This is something that is threatening not only his livelihood, but many teachers that work with my wife. This is about people, Mr. Speaker.

Across the Nation today, there are 9 million households that rely on small business retirement plans. And there are 3 million small-saver households. These are the people who need Congress now, more than ever, to be on their team.

To them, this debate isn't over definitions and enhanced coordination and studies. It is over their future. It is over their ability to make informed decisions, to find somebody like Beth or Wayne or a number of others all across this country who can help them plan for the future.

Financial advisers should be free to offer advice to their clients based on what is best for them as individuals and small businesses, not based on what advice most limits their liability.

Saving for retirement is already difficult. It requires tough decisions. But the one thing that can keep a devastating financial decision from being made is advice from a qualified professional.

I in no way believe we should model our policies after other countries. We have talked about that before here. However, when we can learn from their mistakes, we should.

The United Kingdom implemented a similar rule in 2013. Two years later we can see the negative effects. The rule has created an advice gap in which 60,000 investors are unable to receive financial advice because their accounts are too small.

Mr. Speaker, I know some stories that have been told on the floor and from many Members here. I remember when I and my wife were just starting out. To tell me what little bit that I had saved was too small is an affront to the very free enterprise system that helps people climb to where they want to go and fulfill their dreams. We should never be satisfied with when we tell people they can't get advice because their pot, so to speak, is too small.

Several of my constituents from northeast Georgia recently wrote to me about the administration's fiduciary rule. Here is what they said: ''The rule as proposed is not workable and would have numerous unintended consequences for American workers and retirement savers, particularly those who are middle class. The requirements in the rule would drive the market to fee-based arrangements that are used only for wealthier clients and are not the best fit for many investors. As a result, middle-class savers would be forced into low-service, do-it-yourself accounts, depriving them of meaningful, personalized planning advice.''

Let me repeat that: ''depriving them of meaningful, personalized planning advice.''

We are here today as the Republican majority, advancing H.R. 1090, because we are for the middle class. Because we refuse to accept any rule from this administration that would deprive the middle class of the tools they need to make good financial decisions.

One of my constituents also wrote: ''The time to act is now before Americans are deprived of consumer choice on how to plan for retirement and invest their savings.''

Another said: ''Recently, I became aware of a proposed rule that would undermine my ability to plan for my retirement in ways I believe best for me.''

It is the very heart of why we are here, Mr. Speaker. It is taking up for those who need someone to say: Government, it is time to let the free enterprise, time to let the middle class, the hardworking folks of our country, have advice and be able to access that.

I cannot understand why some of my friends on the other side of the aisle support a rule that would undermine anyone's ability to plan for their retirement in ways that are best for them. This isn't a political issue. It is about people and their future. It is as simple as that.

Financial planning isn't one size fits all. It is customized, individualized, based on the need of a particular family or small business. ObamaCare is a perfect example of what happens when the administration takes over an industry without regard to the needs of the middle and lower class.

Another constituent wrote to me and said: ''With this rule, it seems the government has determined that I am not smart enough to make my own informed investment decisions. I do not agree. Saving for retirement is difficult enough. Why add more obstacles and complexity? I urge you to please preserve the freedoms investors currently enjoy to choose how we invest in our retirement accounts and plan for a better financial tomorrow.''

This administration, Mr. Speaker, is already costing families jobs, constitutional liberties, affordable quality health care, and a strong national defense. Let's not also take away from them the ability to plan for retirement.

I remember when, just a little over 27 years ago, my wife and I walked down the aisle and we said, ''I do,'' for better, for worse, for richer, for poorer. And, Mr. Speaker, we have been through all of that.

But, at times, we had people who came into our lives, investment advice that would help us with her teacher retirement, help us with advice that I didn't have the time or really the understanding to work on.

If we take that away from folks like myself and families in my district and families in your district and families all over the country, then what are we saying to the American people? We are saying: the government knows better than you.

I am a firm believer that this government was started and will stand both for the people and of the people, and that is what this Republican majority is doing today. That is why this rule is important, and that is why this bill is important.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the 30 minutes, and I yield myself such time as I may consume.

I want to thank you, Mr. Speaker. Rather than having a mere Speaker pro tempore, as I had the opportunity to do as a freshman in the majority, it is always exciting to be presided over by the actual Speaker of the body, the second in line to be President of the United States, and particularly somebody who has dedicated so much of his life to public service, Mr. Speaker, as you have, and left his mark on this institution.

I am sure that there will be additional opportunities for showing our great regard and esteem with which this body holds you, Mr. Speaker. But I think it is somewhat apt that perhaps, if not the final time you act as presiding officer of this body, at least the final rule is related to retirement, which you, Mr. Speaker, will presumably soon be experiencing, and is an important topic of discussion for this body.

Now, we may have our disagreements about whether curtailing this rule is in the interest of the American people or not, but I know that we both have a deep and abiding interest in making sure that Americans are safe in their retirement. I think it is wonderful that you are highlighting the importance of retirement security by presiding over this particular debate yourself, Mr. Speaker.

I rise in opposition to the rule, which is a structured rule for H.R. 1090. Frankly, it is premature to be considering this bill when we don't know what the final rules will look like out of the Department of Labor, rather than allow the Department of Labor to continue doing its job, which has included many stakeholders.

I know firsthand the Secretary of Labor has not only reached out to me and met with me on numerous occasions as well as my colleagues on both sides of the aisle and has appeared before one of the committees of jurisdiction that I serve on, the Committee on Education and the Workforce, of which you, Mr. Speaker, are a prior chair as well, and engaged with the financial services community, consumer protection organizations, and many others in his very earnest and serious attempt at making sure that the many shortcomings of the initial draft rule, which you and I might agree on, Mr. Speaker, are addressed in the final rulemaking. I think the Secretary deserves that opportunity. The hardworking men and women of the Department of Labor deserve that opportunity.

And then, if, in fact, the mark is missed, it might be appropriate for this body to consider amending or changing any rule to address the fears that both of us share on both sides of the aisle with regard to ensuring that people of low and moderate income do have access to high-quality advice and that the legitimate educational activities of financial services organizations are allowed to continue to provide that type of advice.

Now, this legislation is somewhat wrapped in a seemingly arcane matter. It has to do with whether it is under the jurisdiction of the Department of Labor or the Securities and Exchange Commission regarding new fiduciary standards of care.

We had the chair of the Financial Services Committee, Mr. HENSARLING, before us in the Rules Committee yesterday. He simply said that, under Dodd-Frank, the SEC has the ability to pass rules regarding fiduciary standards of care. I don't think anybody disputes that the SEC has the legal authority to do so.

I question here—and I think this was well established—that they are unlikely, because of their ongoing implementation work in many other areas, to get to this any time soon, whereas the Department of Labor is nearing the end of a 2-year-long-plus process around trying to make sensible rules to ensure that conflicts of interest within retirement advice are offered, consumer protections are provided, and

the market is allowed to operate in a more efficient way with regard to offering quality retirement products and appropriate retirement products to consumers.

After the Department of Labor retracted the flawed first version of this rule several years ago, they released a new version of the rule in 2015. They have been getting input from a broad spectrum of stakeholders through a long and extended comment period.

I have provided feedback. Stakeholders in the retirement community have. Members of Congress on both sides of the aisle have. We all know what some of the fundamental issues that we are trying to address are, Mr. Speaker.

Today most Americans are not saving enough for retirement and are not securing their retirement. The retirement savings gap is estimated at $14 trillion, and one in five Americans who are approaching retirement have zero private retirement savings.

As the ranking member on the Health, Employment, Labor, and Pensions Subcommittee of the Education and the Workforce Committee, I am very interested in working in a bipartisan fashion to address this savings gap. Helping to make sure that Americans save for retirement is not a partisan issue. Whether one is a Democrat or a Republican, eventually, you are going to need to retire, some of us, Mr. Speaker, before others.

This bill did not have to be partisan either. I think, if we had waited and targeted any particular flaws in the final rule, there might have been an ability to build a bipartisan consensus. I am optimistic that the Secretary of Labor and the Department of Labor will get their rules right.

Investors need to be able to trust the person advising them about the money they need to live after retirement. On the other hand, we need to protect individuals' and small businesses' access to advice.

Mistakes in investments cost billions of dollars to individuals and the economy. Of course, a mistake can occur with wrongful advice from somebody who has a conflict of interest, but mistakes can also occur if there is a lack of access to quality advice. We need to be cognizant of both of those potentials as we look at improving the ability of the American people to save for their retirement.

I know that everybody involved with this rule and many of the stakeholders who will be impacted actually agree on a lot of the big concepts. They agree generally that financial advisers should use the best interest or fiduciary standard because the client's best interest should be paramount.

The main disagreement is about how to make this happen and how to implement the rule in a way that makes sense. Most advisers today do what is in the best interest of their client. They are good actors, and they help their clients save for retirement.

It is critical that our final rule, as the Secretary himself has said, does not upend an entire business model that works for good actors and works for many American families. However, making sure that we have a standard in place that the few bad actors need to abide by and are not able to wreak havoc in allowing American families to plan for their retirement is also essential.

□ 1300

Now, just because there is disagreement on some of the specifics of the rule doesn't mean that we should use a bill that wholesale removes this authority and transfers it entirely to an SEC entity, which is unlikely to proceed with rulemaking and can't even proceed with rulemaking while this President is in office under a timeline even if they were to begin expeditiously. So, effectively, this underlying legislation is an effort to thwart the ability of this President, this Secretary of Labor, and even the SEC under this President, from acting in a way to protect the American people from conflicts of interest in retirement products that are not suitable for their needs.

Mr. Speaker, H.R. 1090 would actually prevent the Department of Labor from issuing any sort of fiduciary rule until after the Securities and Exchange Commission issued a rule. Now, the Department of Labor clearly has the authority to write and implement this rule. That is not even being called into question; it is simply the timeline of which agency goes first. But due to the realities of the SEC, the Commission is not moving forward a rule any time in the near future, and that is simple reality.

So what this bill actually does is it effectively kills the Department of Labor's ability under President Obama to update the fiduciary standard under ERISA. Would it make sense for Congress to mandate that the IRS couldn't take action to collect taxes until the Treasury acted first? This is a similar situation.

I believe the Department of Labor must take into account the high number of outstanding questions and requests for comments that they proposed in the rule, the incredible volume of feedback the rule has received, including from myself and Members on both sides of the aisle and outside stakeholders. To date, there has been a number of letters from both parties requesting changes to the proposed rule. I signed onto a letter with 96 Democrats, and there are over 3,500 public comments, hundreds of thousands of people signing their names to petitions. The Department of Labor hopefully will listen to this feedback as they issue their final draft rule to make the effort streamlined while protecting investors and workers.

My staff and I have had dozens of meetings and phone calls to the Department of Labor with Secretary Perez. I have submitted over two dozen questions for the record to the Department of Labor on the subject, and I am satisfied and optimistic that these concerns will be addressed in the final rule.

I am just now leading a letter with several of my colleagues requesting an additional comment period to look at the changes the Department of Labor is planning to make to the rule. So the answer, I think, Mr. Speaker, is to take the time to get these rules right, make sure they don't have unintended consequences, and not prejudge them by invalidating them before they are out of the gate. That is what I consider a constructive way forward.

Mr. Speaker, I have learned from these conversations that we need to move forward with a productive process, and I believe the Labor Secretary is committed to doing that. We may have disagreements about the final outcome, but we should see what that final outcome is before we pass legislation that requires us to pretend that the problem doesn't exist.

While the specifics of the fiduciary rule are important, and DOL needs to make changes and communicate them to stakeholders, this legislation is very counterproductive to those ongoing discussions that have occurred over the last several years. This bill would effectively prevent protections from being implemented after years of work, meetings, and due diligence involving financial services companies and involving retirement advocacy organizations, not to mention the fact that this bill will not become law. The President has already put out a promise to veto the legislation should it reach his desk. So, instead, we should be spending our time on more important work for the American people. With just over a month to take action until a government shutdown and with the transportation bill expiring, we have six congressional working days to raise a clean debt ceiling. I am hopeful, Mr. Speaker, that you will be able to bear witness to that as a Member and leader of this body in the short future, in the next couple of days. Just as astonishing, we have the highway funding shutdown.

So here we are again. I think that we need to work on bills that have a chance of becoming law. We shouldn't prejudge rules that I think the Secretary has really worked hard to ensure involve multiple stakeholders, and hopefully, we will be satisfied with the final rules that address many of the potential unintended consequences and concerns that my colleagues on both sides of the aisle have raised, including myself.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I do appreciate the comments just made, but I think there is a general disagreement, and we will have a disagreement in just a few moments about article I and what we are supposed to be doing here and taking care of the American people.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank my colleague from Georgia for yielding. In the spirit of bipartisanship, let me associate myself with the opening remarks and kind words of Mr. POLIS about the Speaker.

Mr. Speaker, if adopted, the proposed fiduciary rule would reduce access to reasonably priced investment options for lower and middle class families and small-business owners across the country. It will also increase costs for Americans trying their best to save for retirement.

Our country faces difficult retirement challenges, and the last thing the Federal Government should do is create new barriers blocking the retirement security the American people deserve. The fact is we have seen this scheme before. This proposal contains many of the same flaws as the administration's failed 2010 proposal, which was ultimately withdrawn because of harsh bipartisan opposition.

The Department of Labor's rushed and uncoordinated process has again resulted in an unworkable proposal, and I urge the administration to use the same logic that it did the first time and withdraw its damaged proposal.

Mr. POLIS. Mr. Speaker, many American workers don't have access to paid sick days, which means they can't miss work without losing a day's pay or risking their job security. If we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would allow workers to earn paid sick leave.

Mr. Speaker, everyone should be able to take care of themselves or their loved ones when they are sick and not have to worry about losing their jobs or falling behind on their bills because of illness.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. To discuss our proposal, I yield such time as she may consume to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the previous question. Defeating the previous question will allow us to amend the rule to provide for consideration of the Healthy Families Act. What is the Healthy Families Act? It is an act that would allow workers to earn up to 7 days of job-protected sick leave each year.

Mr. Speaker, being a working parent should not mean choosing between your job and taking care of yourself and your family. But at least 43 million private sector workers—39 percent of our workforce—must make this decision every time illness strikes. Millions more cannot earn paid sick time to care for a sick child or for a family member.

Employers ultimately suffer when workers have to make this choice. Increased turnover rates amount to greater costs, and employers can jeopardize the health of other employees when their policies force employees to come to work sick.

With regard to families, I listen to people—as we all do in our communities—all of the time. I can talk to you about Eva, the bus driver who picks up kids in the morning on their way to school. They are there with their parents, and she says that I see parents with tears in their eyes as they are putting their child on the bus, knowing that their child is sick, but they can't afford to stay home with that child because they could lose their job. They could get pay docked. They are making a choice, and that is not how they view themselves as a parent.

Paid sick day policies have been enacted successfully at the State and at the local levels. Nearly 20 jurisdictions across the country have adopted paid sick days, and there is strong public support for universal access to paid sick days. Eighty-eight percent of Americans support paid sick day legislation.

The Healthy Families Act allows working families to meet their health and their financial needs while boosting businesses' productivity and retention rates—strengthening our Nation's economy. It is common sense. It is business savvy. This is the right thing to do.

Today there isn't a parent staying home with their children. Mothers, fathers, grandmothers, aunts, and uncles, everyone is in the workplace. Let our public policy reflect the way that families are trying to make it today. We need to work to protect public health, to boost the economy, and to help hardworking families have access to paid sick days.

Let's pass the Healthy Families Act, and I urge my colleagues to oppose the previous question.

Mr. COLLINS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation. I am the chairman of the Appropriations Subcommittee on Financial Services and General Government. My subcommittee is charged with overseeing the budget of the Securities and Exchange Commission.

That is the agency of the Federal Government that is charged with protecting investors and making sure that the capital markets are fair and orderly, and that is what they do every day. In fact, Dodd-Frank gives them more authority in this area than any other agency in the Federal Government, so I find it a little bit surprising that the Department of Labor, whose day-to-day job is not to oversee investment advisers, whose day-to-day job is not to oversee broker-dealers, and yet they will decide that they are going to write a rule dealing with fiduciary standards for those that are involved in retirement accounts. Well, it just seems to me that is backwards. That is upside down.

The SEC ought to be acting in this area. That is their primary role. If we are going to let other agencies write rules that might be in conflict, might create confusion, and might be duplicative, then it seems to me we are going to give those individuals who are struggling to make a living and to make ends meet, we are going to have a difficult time understanding what their retirement accounts are all about and who is in charge and what are the rules and the standards.

So the SEC should act first, and that is all this bill does. It says the SEC should act first in dealing with investor security to make sure that capital markets are fair and orderly and that the Department of Labor is prohibited from finalizing any rule in this regard.

So I think it is a commonsense piece of legislation. I thank the sponsors for bringing it, and the committee for bringing it up, and so I urge adoption of this rule and adoption of the underlying legislation as well.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, even if my friends on the other side of the aisle think they might not like this final rule, let's at least give the Department of Labor, after several years of hard work, the chance to produce it. If at that point the majority feels that there are parts of the rule that they don't want or don't like or want to invalidate or are counterproductive, that would be the appropriate time for this kind of bill to intervene in those efforts before those rules are finalized.

Mr. Speaker, I have been very satisfied with the work of the Department of Labor and the Secretary of Labor to engage Members of this body on both sides of the aisle and the financial services community to ensure that many of the acknowledged flaws that are in the draft bill are addressed in any final rule that is brought forward.

This bill is effectively an effort to thwart the entire process around addressing a real problem, and that real problem is the conflict of interest and poor quality retirement advice that is being given to too many American families.

The Secretary is not seeking to upend a business structure that allows access to quality financial advice for millions of middle class American families, and I believe that any concerns with regard to that will be addressed in the final rulemaking.

With little time left before so many deadlines and cliffs that this body has—transportation funding expiring, the Federal budget expiring without a

potential government shutdown, the debt ceiling, and so many others—why are we discussing a bill that is not going to become law? Again, you are seeking to overturn a ruling before it is made. The President himself would veto this bill. There will not be two-thirds of this body to overturn this veto.

When we are discussing taking actions that affect actions that the President is taking, keep in mind that under our constitutional republic, if we were to override the President, it would take both Democrats and Republicans, and Democrats in large numbers. Now, I understand there may be a few handful of my Democratic colleagues supporting this final bill, not very many, certainly not enough to bring it close to the two-thirds threshold. So, again, that would qualify as a waste of time for this body, and a premature waste of time at that.

Let's give the Department of Labor the ability and the benefit of the doubt to bring forward these rules, and then perhaps if they overstep and have a lot of flaws, then, Mr. Speaker, the Republicans might have more Democrats willing to join them in counteracting these rules. But at this point, it is entirely premature to interdict the entire rulemaking process to protect American retirement without even knowing what those rules are that we are seeking to circumvent.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I think it is a fundamental difference, again, in the way we choose to look at how we do our business up here. There is a constitutional flow to this. It is called Article I. It is our responsibility as elected Representatives, both from Georgia, from Colorado, from all over this country, it is our responsibility to look at this.

I think one of the things that frustrates me, and I know it frustrates many of my constituents back home, is that it seems like every time—as my friend has said—that we are preempting or putting down all this hard work done by the agencies, well, everything that is pointed to so far, it is not our job as Congress to worry about the work product of an agency. Our job is to take care of the American people and make sure that their interests are best concerned. My first interest is the folks of the Ninth District of Georgia. My first interest is not, did the office or agency of an administration of any, Republican or Democrat, did they work real hard on it? I appreciate their work.

But the problem we are coming back to here is we are facing a real issue. We are simply saying the SEC needs to go first. We are simply saying let's put these priorities in line, and let's simply say that we look at this. It is not the executive body's determination to make the law, so to speak. It is our body. So if we choose to intervene here, then it is our prerogative to do so, taking care of what we are doing.

I think also to simply say—and I love this argument—that if the President is not going to sign and we don't have enough to override, then fine, let's make that argument to the American people. And if the administration chooses to do this and chooses not to, then let them tell the American people and the teachers in my district and the law enforcement officers in my district and people who need this advice and looking at the history and say: We don't care about you, let our bureaucracy work, let bureaucracy ring instead of freedom ring.

If that is what the President and the administration wants to do, then so be it. I will stand on the side of the American people. I will stand on the side of the middle class. I will stand on them being able to take what they have and get advice so they can make it better. If that is the argument they want to be had, let's have it.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I think that the remarks by my colleague on the Rules Committee are part of the problem here. The way that laws are passed require the House and the Senate to pass a bill in the same form and the President to sign that bill, or if the President vetoes that bill, two-thirds of the body to overrule it.

And, of course, no one doubts that if this body of the House wants, they can continue to pass bills that the Senate won't bring up, as they have dozens, I would have to get a count, perhaps, hundreds of times, or bills that the Senate will pass but the President will veto, and the President vetoed, I believe, his fifth bill with the defense reauthorization last week.

Certainly, if the majority chooses, if the Republicans choose, this body can continue to do that, or this body can work together with the Senate and the President to pass laws that address issues that the American people have brought to us to solve, and that takes compromise. That doesn't mean this body should say, ''It is our way or the highway,'' and the Senate says, ''Sorry, it is the highway,'' and the President says, ''Sorry, it is the highway.'' It means, roll up your sleeves and work together.

If we are going to solve a problem like immigration in this country, our broken immigration system, and replace our broken immigration system with one that works, that restores border security, the rule of law, benefits our economy, and unites families, it will take all sides working together. Guess what? Last session, the Senate passed a bill. It was this House that didn't spend even a minute of time on the floor debating that bill or bringing forward something that the American people demand to replace our broken immigration system with one that works and protects our country.

So, again, I don't doubt the ability of this body to keep passing bills that don't go anywhere. Perhaps, it makes some of my Republican colleagues feel good. They go home, and they say: Gee, we passed this out of the House. We passed that out of the House. The problem is the Senate. The problem is the President.

But that is just an excuse for blame and more and more problems. I think what the American people want is not this finger pointing. They don't want the Senate to say: We solved immigration; it was the House's fault. They don't want the House to say: We defunded ObamaCare; it is the Senate and President's fault they didn't do it.

They want us to work together, work together to implement the Affordable Care Act and address some of the problems in it, work together to replace our broken immigration system with one that works, one to work together to cut our budget deficit, one to work together to fund an infrastructure and transportation bill, and—this is an example—if there are deficiencies in the final rule, work together to make sure that those deficiencies are addressed so that our common goal the Democrats and Republicans share of making sure that Americans have quality, nonconflicted advice in their retirement savings is able to occur across the country.

I call on Speaker BOEHNER and, of course, whoever succeeds him as Speaker, as well as the rest of the House leadership, to present truly bipartisan efforts to move forward on the various issues that we face and not yield to the easy temptation to pass single-Chamber bills in the House that aren't even brought up by the Senate and, if they were, it would be vetoed by the President. That is not how laws are made. That is how rhetoric is made. The American people want their problems addressed by this body, not just more hot wind and rhetoric that this bill is an example of.

I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I appreciate that because there are many people in America right now who remember just a few years ago when there was plenty of hot rhetoric coming from this Chamber, and it is really punishing the American people now. It is called ObamaCare. It is called Dodd-Frank. I guess the warm winds are still blowing.

It is amazing to me that when you look at this—and I can go back in history—and I think the one thing that we maybe can come to an agreement on is when you govern and when you are in the majority, you pass bills that reflect your majority values. You do not reflect, in this case, an administration that happens to have different values. We are continuing to work for the

American people, just as my friend when he was in the majority—as he said, he sat in the chair as a freshman—they would have passed bills that, oh, by the way, probably wouldn't have made it through that Republican administration. Some got vetoed. And if it did get vetoed, you would come back and work the process of an override, and that can happen.

The problem here is I believe—and this is just fundamental—I believe that we can work on different ideas. There are things that the gentleman from Colorado and I can agree on or disagree on. I think it goes back just basically to the problem that many of us are frustrated with, is that there are three branches of government that the Congress, the House and the Senate, whether we agree on everything or not, is not the point. The point is, are we making the voices heard from our districts and doing so in a meaningful way?

If that means that Republicans feel one way and Democrats feel another way, that so be it. But I, as long as I am part of the majority, we are going to put our values forward, and we are going to say: This is what we believe in. We would like for you to come on. And we will find areas where we can agree.

But I will never stand by just because the administration, as they did just this past week with the NDAA, put politics over our troops. As someone who served in Iraq, it is time to quit playing politics with our troops.

If we want to get specific about what we are playing politics with here, then we can understand that. That is a disgrace. And what we have got to understand is—we are going to put stuff here—we are simply saying: Here is a fix that we believe; let the SEC work first.

That is our policy statement. If they don't agree, fine. But when it is fighting for the people of the Ninth District of Georgia and also people for America and middle class and lower income folks who are just trying to make their retirement and get good advice, I will never back up or apologize for taking the time to fight for the American people. If that is a waste of time, I will be up here every day taking that time for the American people.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

This is a very interesting discussion with my colleague from Georgia. When you look at the work product of this body in the House of Representatives, this body has voted to repeal ObamaCare, the Affordable Care Act, over 54 times. So it is clear to the American people—my colleague from Georgia can tell his constituents—we voted to repeal ObamaCare. We did. I didn't vote for that, but the majority of this body did that—not once, not twice, not three times, not four times, not five times. I can count all the way up to over 54 times. In fact, many of us are losing track about how many times this body is on the RECORD opposing ObamaCare, but that is not how laws are made. That is part of the process. One would say once should suffice for it to pass this body.

The bill also would need to pass the Senate. And as the President has indicated, it is unlikely that something called by many people ObamaCare would be repealed by a President named Barack Obama. He, of course, would veto any legislation that ended the Affordable Care Act, his signature health care policy that he passed in his first term in office.

So, again, it looks at what we do with this body. When one wonders why the approval ratings of the House of Representatives are as low and continuing to plummet as they are, I think it is because rather than address the concerns of the American people around making health care work and more affordable and passing constructive laws through the system that address some of the shortcomings in ObamaCare, whether it is addressing some of the shortcomings in Dodd-Frank, rather than taking that path, this body instead is passing single-Chamber bills, like we are here today, with regard to undermining a rule that we haven't even seen yet because some people think it might be counterproductive or bad. If it is, let's have that discussion.

But, again, as a Member of this body, I have been happy so far with the efforts of the Secretary of Labor to engage with the stakeholder groups and Members of this body to get this rule right. I honestly believe that the only reason this legislation was brought to the floor is it is hard for the Republican caucus to agree on much else. It is hard for them to agree on something that might be a governing effort to pass. So, instead, we are dealing with single-Chamber bills. On weeks that we could be dealing with funding transportation or infrastructure or cutting our deficit or going after government waste and fraud, we are instead repealing ObamaCare again and again and again or repealing a rule that we haven't even seen because people think they might not like it if they do.

Look, we have a choice in this body. The Republicans in the majority can either sit back and bring partisan legislation to the floor each week and watch costs of the American people go up and watch problems go unsolved, or we can come to the table and start a serious discussion with the House and the Senate, with the President, with Members of this body on both sides of the aisle, about important things that actually move our country forward, grow our economy, promote our national security, reduce our deficit, including the basics of keeping our government open and paying our bills on time.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question. I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I want to just finalize some time here and just really look at this because what is really interesting in the last few minutes is many times in this—and I appreciate my colleague from Colorado—this is, frankly, why I believe most of us came into public service, is to have honest debate, go back and forth. But I will have to say as I close here, I do want to make it back to what this bill does and what this rule is that you are going to be voting on. It just says: Let the SEC go first.

Now, I know that is hard to understand. And if you are watching this, you might have a hard time understanding because my friend just said that we won't wait on a rule and then that we are repealing a rule. So I am not sure how you can repeal a rule that you have not waited on, and if the rule is not there, you are repealing. No, we are simply saying: Let the SEC go first. So you can't repeal something that your own statement said you are waiting on.

And, also, by the way, a Dear Colleague letter that says that we know from many, many of my Democrat friends across the aisle are sending around saying: DOL, we have got a lot of concerns about this; we want to make sure you do it right. I think this is a good way to do it, and it is called being part of a bipartisan solution here on the floor, and let's put it back right and let it go that way instead of sending a letter to DOL and letting them make sure they get it right because they acknowledge that there are real concerns about the workability of this rule in progress, and this is right now being circulated.

I think I just want to say I support this bill, H.R. 1090, because I believe that men and women should have the ability to choose their type of financial professional who best meets their investment needs. This isn't about protecting investors. It is about the administration once again telling families that they know what is best for them. They have told families that they know better when it comes to health care. They have told families they know better when it comes to education. They have told families they know better when it comes how and where to spend their money, and the results have been devastating.

H.R. 1090 isn't going to undo all the devastating impacts of this one-size-fits-all regulatory approach, but it will prevent from taking away the ability of families to plan their financial future. This bill passed with bipartisan support last Congress, and on behalf of my constituents, I deeply hope it does so again.

Again, it is about who you fight for. It is a consistency. I will consistently stand here and say what is best for those hard-working, middle class,

lower income class, and anybody else who earns as much as they want to to have the access to get the financial planning they need in the way that is best for them without the interference of a bureaucratic organization that has taken so long and already shows results from other places that are devastating. We are not going to do that. We are going to put this forward and let's see who we are really standing with and who we are really standing for.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 491 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 932) to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, the chair and ranking minority member of the Committee on House Administration, and the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 932.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLLINS of Georgia. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1330

The SPEAKER pro tempore (Mr. CARTER of Georgia). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 2015

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Surface Transportation Extension Act of 2015''.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, including the amendments made by that Act, for the period beginning on October 1, 2015, and ending on October 29, 2015.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001(a) of the Highway and Transportation Funding Act of

2014 (128 Stat. 1840) is amended by striking ''October 29, 2015'' and inserting ''November 20, 2015''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) HIGHWAY TRUST FUND.—Section 1001(b)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended by striking ''for the period beginning on October 1, 2015, and ending on October 29, 2015, 29/366 of the total amount'' and inserting ''for the period beginning on October 1, 2015, and ending on November 20, 2015, 51/366 of the total amount''.

(2) GENERAL FUND.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by striking ''and $2,377,049 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $4,180,328 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Section 1001(c)(1)(B) of the Highway and Transportation Funding Act of 2014 (128 Stat. 1840) is amended—

(A) by striking ''October 29, 2015,'' and inserting ''November 20, 2015,''; and

(B) by striking ''29/366'' and inserting ''51/366''.

(2) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) by striking subsection (a)(4) and inserting the following:

''(4) $5,595,839,851 for the period beginning on October 1, 2015, and ending on November 20, 2015.'';

(B) in subsection (b)(12) by striking '', and for the period beginning on October 1, 2015, and ending on October 29, 2015, only in an amount equal to $639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by 29/366 for that period'' and inserting '', and for the period beginning on October 1, 2015, and ending on November 20, 2015, only in an amount equal to $639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by 51/366 for that period'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by striking ''October 29, 2015'' and inserting ''November 20, 2015''; and

(ii) in paragraph (2) in the matter preceding subparagraph (A) by striking ''for the period beginning on October 1, 2015, and ending on October 29, 2015, that is equal to 29/366 of such unobligated balance'' and inserting ''for the period beginning on October 1, 2015, and ending on November 20, 2015, that is equal to 51/366 of such unobligated balance''; and

(D) in subsection (f)(1) in the matter preceding subparagraph (A) by striking ''October 29, 2015'' and inserting ''November 20, 2015''.

SEC. 1002. ADMINISTRATIVE EXPENSES.

Section 1002 of the Highway and Transportation Funding Act of 2014 (128 Stat. 1842) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) $61,311,475 for the period beginning on October 1, 2015, and ending on November 20, 2015.''; and

(2) in subsection (b)(2) by striking ''and for the period beginning on October 1, 2015, and ending on November 20, 2015, subject to the limitations on administrative expenses for the Federal Highway Administration and Appalachian Regional Commission''.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $32,745,902 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $15,815,574 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $37,901,639 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $4,040,984 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence by striking ''October 29, 2015'' and inserting ''November 20, 2015''; and

(ii) in the second sentence by striking ''October 29, 2015,'' and inserting ''November 20, 2015,''.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(D) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(D) $3,553,279 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking ''and $198,087 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $348,361 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on November 20, 2015,''.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking ''October 29, 2015,'' and inserting ''November 20, 2015,''.

SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(11) of title 49, United States Code, is amended to read as follows:

''(11) $30,377,049 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(K) of title 49, United States Code, is amended to read as follows:

''(K) $36,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''and $2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''and $2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''and $396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''and $1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''and $237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''and up to $1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and up to $2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''and up to $2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and up to $4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and $316,940 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $557,377 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking ''and $79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking ''October 29, 2015'' and inserting ''November 20, 2015''; and

(2) in subsection (b)(1)(A) by striking ''October 29, 2015,'' and inserting ''November 20, 2015,''.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking ''and $396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,''; and

(2) in subparagraph (B) by striking ''and $1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking ''and $2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''and $681,024,590 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $1,197,663,934 for the period beginning on October 1, 2015, and ending on November 20, 2015'';

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''and $10,205,464 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $17,947,541 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(B) in subparagraph (B) by striking ''and $792,350 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $1,393,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(C) in subparagraph (C) by striking ''and $353,281,011 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $621,287,295 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(D) in subparagraph (D) by striking ''and $20,466,393 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $35,992,623 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(E) in subparagraph (E)—

(i) by striking ''and $48,159,016 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $84,693,443 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(ii) by striking ''and $2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,''; and

(iii) by striking ''and $1,584,699 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $2,786,885 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(F) in subparagraph (F) by striking ''and $237,705 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $418,033 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(G) in subparagraph (G) by striking ''and $396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(H) in subparagraph (H) by striking ''and $305,055 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $536,475 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(I) in subparagraph (I) by striking ''and $171,615,027 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $301,805,738 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(J) in subparagraph (J) by striking ''and $33,896,721 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $59,611,475 for the period beginning on October 1, 2015, and ending on November 20, 2015,''; and

(K) in subparagraph (K) by striking ''and $41,669,672 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $73,281,148 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking ''and $5,546,448 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $9,754,098 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking ''and $554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking ''and $554,645 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $975,410 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking ''and $396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking ''and $151,101,093 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $265,729,508 for the period beginning on October 1, 2015, and ending on November 20, 2015''.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''and $8,240,437 for the period beginning on October 1, 2015, and ending on October 29, 2015'' and inserting ''and $14,491,803 for the period beginning on October 1, 2015, and ending on November 20, 2015'';

(2) in paragraph (2) by striking ''and not less than $396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and not less than $696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,''; and

(3) in paragraph (3) by striking ''and not less than $79,235 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and not less than $139,344 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking ''and $5,189,891 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $9,127,049 for the period beginning on October 1, 2015, and ending on November 20, 2015,'';

(2) by striking ''$99,044 for such period'' and inserting ''$174,180 for such period''; and

(3) by striking ''$39,617 for such period'' and inserting ''$69,672 for such period''.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(4) of title 49, United States Code, is amended to read as follows:

''(4) $5,958,639 for the period beginning on October 1, 2015, and ending on November 20, 2015.''.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) FISCAL YEAR 2016.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2015, and ending on November 20, 2015—

''(A) $26,197 to carry out section 5115;

''(B) $3,037,705 to carry out subsections (a) and (b) of section 5116, of which not less than $1,902,049 shall be available to carry out section 5116(b);

''(C) $20,902 to carry out section 5116(f);

''(D) $87,090 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(E) $139,344 to carry out section 5116(j).''.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking ''and $316,940 for the period beginning on October 1, 2015, and ending on October 29, 2015,'' and inserting ''and $557,377 for the period beginning on October 1, 2015, and ending on November 20, 2015,''.

SEC. 1302. ENSURING SAFE IMPLEMENTATION OF POSITIVE TRAIN CONTROL SYSTEMS.

(a) SHORT TITLE.—This section may be cited as the ''Positive Train Control Enforcement and Implementation Act of 2015''.

(b) IN GENERAL.—Section 20157 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''18 months after the date of enactment of the Rail Safety Improvement Act of 2008'' and inserting ''90 days after the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015'';

(B) by striking ''develop and'';

(C) by striking ''a plan for implementing'' and inserting ''a revised plan for implementing'';

(D) by striking ''December 31, 2015'' and inserting ''December 31, 2018''; and

(E) in subparagraph (B) by striking ''parts'' and inserting ''sections'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) IMPLEMENTATION.—

''(A) CONTENTS OF REVISED PLAN.—A revised plan required under paragraph (1) shall—

''(i) describe—

''(I) how the positive train control system will provide for interoperability of the system with the movements of trains of other railroad carriers over its lines; and

''(II) how, to the extent practical, the positive train control system will be implemented in a manner that addresses areas of greater risk before areas of lesser risk;

''(ii) comply with the positive train control system implementation plan content requirements under section 236.1011 of title 49, Code of Federal Regulations; and

''(iii) provide—

''(I) the calendar year or years in which spectrum will be acquired and will be available for use in each area as needed for positive train control system implementation, if such spectrum is not already acquired and available for use;

''(II) the total amount of positive train control system hardware that will be installed for implementation, with totals separated by each major hardware category;

''(III) the total amount of positive train control system hardware that will be installed by the end of each calendar year until the positive train control system is implemented, with totals separated by each hardware category;

''(IV) the total number of employees required to receive training under the applicable positive train control system regulations;

''(V) the total number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until the positive train control system is implemented;

''(VI) a summary of any remaining technical, programmatic, operational, or other challenges to the implementation of a positive train control system, including challenges with—

''(aa) availability of public funding;

''(bb) interoperability;

''(cc) spectrum;

''(dd) software;

''(ee) permitting; and

''(ff) testing, demonstration, and certification; and

''(VII) a schedule and sequence for implementing a positive train control system by the deadline established under paragraph (1).

''(B) ALTERNATIVE SCHEDULE AND SEQUENCE.—Notwithstanding the implementation deadline under paragraph (1) and in lieu of a schedule and sequence under paragraph (2)(A)(iii)(VII), a railroad carrier or other entity subject to paragraph (1) may include in its revised plan an alternative schedule and sequence for implementing a positive train control system, subject to review under paragraph (3). Such schedule and sequence shall provide for implementation of a positive train control system as soon as practicable, but not later than the date that is 24 months after the implementation deadline under paragraph (1).

''(C) AMENDMENTS.—A railroad carrier or other entity subject to paragraph (1) may file a request to amend a revised plan, including any alternative schedule and sequence, as applicable, in accordance with section 236.1021 of title 49, Code of Federal Regulations.

''(D) COMPLIANCE.—A railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its revised plan, including any amendments or any alternative schedule and sequence approved by the Secretary under paragraph (3).

''(3) SECRETARIAL REVIEW.—

''(A) NOTIFICATION.—A railroad carrier or other entity that submits a revised plan under paragraph (1) and proposes an alternative schedule and sequence under paragraph (2)(B) shall submit to the Secretary a written notification when such railroad carrier or other entity is prepared for review under subparagraph (B).

''(B) CRITERIA.—Not later than 90 days after a railroad carrier or other entity submits a notification under subparagraph (A), the Secretary shall review the alternative schedule and sequence submitted pursuant to paragraph (2)(B) and determine whether the railroad carrier or other entity has demonstrated, to the satisfaction of the Secretary, that such carrier or entity has—

''(i) installed all positive train control system hardware consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(II) on or before the implementation deadline under paragraph (1);

''(ii) acquired all spectrum necessary for implementation of a positive train control system, consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(I) on or before the implementation deadline under paragraph (1);

''(iii) completed employee training required under the applicable positive train control system regulations;

''(iv) included in its revised plan an alternative schedule and sequence for implementing a positive train control system as soon as practicable, pursuant to paragraph (2)(B);

''(v) certified to the Secretary in writing that it will be in full compliance with the requirements of this section on or before the date provided in an alternative schedule and sequence, subject to approval by the Secretary;

''(vi) in the case of a Class I railroad carrier and Amtrak, implemented a positive train control system or initiated revenue service demonstration on the majority of territories, such as subdivisions or districts, or route miles that are owned or controlled by such carrier and required to have operations governed by a positive train control system; and

''(vii) in the case of any other railroad carrier or other entity not subject to clause (vi)—

''(I) initiated revenue service demonstration on at least 1 territory that is required to have operations governed by a positive train control system; or

''(II) met any other criteria established by the Secretary.

''(C) DECISION.—

''(i) IN GENERAL.—Not later than 90 days after the receipt of the notification from a railroad carrier or other entity under subparagraph (A), the Secretary shall—

''(I) approve an alternative schedule and sequence submitted pursuant to paragraph (2)(B) if the railroad carrier or other entity meets the criteria in subparagraph (B); and

''(II) notify in writing the railroad carrier or other entity of the decision.

''(ii) DEFICIENCIES.—Not later than 45 days after the receipt of the notification under subparagraph (A), the Secretary shall provide to the railroad carrier or other entity a written notification of any deficiencies that would prevent approval under clause (i) and provide the railroad carrier or other entity an opportunity to correct deficiencies before the date specified in such clause.

''(D) REVISED DEADLINES.—

''(i) PENDING REVIEWS.—For a railroad carrier or other entity that submits a notification under subparagraph (A), the deadline for implementation of a positive train control system required under paragraph (1) shall be extended until the date on which the Secretary approves or disapproves the alternative schedule and sequence, if such date is later than the implementation date under paragraph (1).

''(ii) ALTERNATIVE SCHEDULE AND SEQUENCE DEADLINE.—If the Secretary approves a railroad carrier or other entity's alternative schedule and sequence under subparagraph (C)(i), the railroad carrier or other entity's deadline for implementation of a positive train control system required under paragraph (1) shall be the date specified in that railroad carrier or other entity's alternative schedule and sequence. The Secretary may not approve a date for implementation that is later than 24 months from the deadline in paragraph (1).'';

(3) by striking subsections (c), (d), and (e) and inserting the following:

''(c) PROGRESS REPORTS AND REVIEW.—

''(1) PROGRESS REPORTS.—Each railroad carrier or other entity subject to subsection (a) shall, not later than March 31, 2016, and annually thereafter until such carrier or entity has completed implementation of a positive train control system, submit to the Secretary a report on the progress toward implementing such systems, including—

''(A) the information on spectrum acquisition provided pursuant to subsection (a)(2)(A)(iii)(I);

''(B) the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii), by territory, if applicable;

''(C) the extent to which the railroad carrier or other entity is complying with the implementation schedule under subsection (a)(2)(A)(iii)(VII) or subsection (a)(2)(B);

''(D) any update to the information provided under subsection (a)(2)(A)(iii)(VI);

''(E) for each entity providing regularly scheduled intercity or commuter rail passenger transportation, a description of the resources identified and allocated to implement a positive train control system;

''(F) for each railroad carrier or other entity subject to subsection (a), the total number of route miles on which a positive train control system has been initiated for revenue service demonstration or implemented, as compared to the total number of route miles required to have a positive train control system under subsection (a); and

''(G) any other information requested by the Secretary.

''(2) PLAN REVIEW.—The Secretary shall at least annually conduct reviews to ensure that railroad carriers or other entities are complying with the revised plan submitted under subsection (a), including any amendments or any alternative schedule and sequence approved by the Secretary. Such railroad carriers or other entities shall provide such information as the Secretary determines necessary to adequately conduct such reviews.

''(3) PUBLIC AVAILABILITY.—Not later than 60 days after receipt, the Secretary shall make available to the public on the Internet Web site of the Department of Transportation any report submitted pursuant to paragraph (1) or subsection (d), but may exclude, as the Secretary determines appropriate—

''(A) proprietary information; and

''(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

''(d) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of each railroad carrier or other entity subject to subsection (a) in implementing a positive train control system.

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for—

''(1) a violation of this section;

''(2) the failure to submit or comply with the revised plan required under subsection (a), including the failure to comply with the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii) and the spectrum acquisition dates provided pursuant to subsection (a)(2)(A)(iii)(I);

''(3) failure to comply with any amendments to such revised plan pursuant to subsection (a)(2)(C); and

''(4) the failure to comply with an alternative schedule and sequence submitted under subsection (a)(2)(B) and approved by the Secretary under subsection (a)(3)(C).'';

(4) in subsection (h)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) PROVISIONAL OPERATION.—Notwithstanding the requirements of paragraph (1), the Secretary may authorize a railroad carrier or other entity to commence operation in revenue service of a positive train control system or component to the extent necessary to enable the safe implementation and operation of a positive train control system in phases.'';

(5) in subsection (i)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively; and

(B) by inserting before paragraph (3) (as so redesignated) the following:

''(1) EQUIVALENT OR GREATER LEVEL OF SAFETY.—The term 'equivalent or greater level of safety' means the compliance of a railroad carrier with—

''(A) appropriate operating rules in place immediately prior to the use or implementation of such carrier's positive train control system, except that such rules may be changed by such carrier to improve safe operations; and

''(B) all applicable safety regulations, except as specified in subsection (j).

''(2) HARDWARE.—The term 'hardware' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), switch position monitors needed for a positive train control system, physical back office system equipment, a base station radio, a wayside radio, a locomotive radio, or a communication tower or pole.''; and

(6) by adding at the end the following:

''(j) EARLY ADOPTION.—

''(1) OPERATIONS.—From the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015 through the 1-year period beginning on the date on which the last Class I railroad carrier's positive train control system subject to subsection (a) is certified by the Secretary under subsection (h)(1) of this section and is implemented on all of that railroad carrier's lines required to have operations governed by a positive train control system, any railroad carrier, including any railroad carrier that has its positive train control system certified by the Secretary, shall not be subject to the operational restrictions set forth in sections 236.567 and 236.1029 of title 49, Code of Federal Regulations, that would apply where a controlling locomotive that is operating in, or is to be operated in, a positive train control-equipped track segment experiences a positive train control system failure, a positive train control operated consist is not provided by another railroad carrier when provided in interchange, or a positive train control system otherwise fails to initialize, cuts out, or malfunctions, provided that such carrier operates at an equivalent or greater level of safety than the level achieved immediately prior to the use or implementation of its positive train control system.

''(2) SAFETY ASSURANCE.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall make reasonable efforts to determine the cause of the failure and adjust, repair, or replace any faulty component causing the system failure in a timely manner.

''(3) PLANS.—The positive train control safety plan for each railroad carrier or other entity shall describe the safety measures, such as operating rules and actions to comply with applicable safety regulations, that will be put in place during any system failure.

''(4) NOTIFICATION.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall submit a notification to the appropriate regional office of the Federal Railroad Administration within 7 days of the system failure, or under alternative location and deadline requirements set by the Secretary, and include in the notification a description of the safety measures the affected railroad carrier or other entity has in place.

''(k) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline under such section by 3 years.

''(l) REVENUE SERVICE DEMONSTRATION.—When a railroad carrier or other entity subject to (a)(1) notifies the Secretary it is prepared to initiate revenue service demonstration, it shall also notify any applicable tenant railroad carrier or other entity subject to subsection (a)(1).''.

(c) CONFORMING AMENDMENT.—Section 20157(g), is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Positive Train Control Enforcement and Implementation Act of 2015, the Secretary—

''(A) shall remove or revise the date-specific deadlines in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

''(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.

''(3) REVIEW.—Nothing in the Positive Train Control Enforcement and Implementation Act of 2015, or the amendments made by such Act, shall be construed to require the Secretary to issue regulations to implement such Act or amendments other than the regulatory amendments required by paragraph (2) and subsection (k).''.

TITLE II—REVENUE PROVISIONS

SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 30, 2015'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''November 21, 2015'', and

(2) by striking ''Surface Transportation and Veterans Health Care Choice Improvement Act of 2015'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Extension Act of 2015''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Surface Transportation and Veterans Health Care Choice Improvement Act of 2015'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2015'', and

(2) by striking ''October 30, 2015'' in subsection (d)(2) and inserting ''November 21, 2015''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking ''October 30, 2015'' and inserting ''November 21, 2015''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 3819.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3819, which extends Federal surface transportation programs through November 20, 2015.

This bill allows States to continue to fund transportation projects, and it prevents 4,100 U.S. Department of Transportation employees from being furloughed. H.R. 3819 funds these programs at the authorized levels for fiscal year 2014. No offsets or transfers of funding to the highway trust fund are necessary for this extension since the trust fund will remain solvent during this period.

Last week, the Committee on Transportation and Infrastructure unanimously approved a bipartisan, multiyear surface transportation reauthorization bill. This extension will enable the House to continue its work on this important legislation. H.R. 3819 also includes critical language extending the deadline for railroads to implement positive train control technology to 2018.

We have known for some time that railroads simply cannot meet the congressionally mandated positive train control, or PTC, deadline of December 31, 2015. What has become more apparent is how catastrophic it would be for the Nation's economy if we don't extend the deadline now.

Without an extension, railroads will stop shipping important chemicals critical to manufacturing, agriculture, clean drinking water, and other industrial activities. In fact, some railroads are already notifying shippers they will stop accepting chemical shipments by December 1. This is creating extreme uncertainty across a variety of groups that rely on rail shipments, from farmers who need ammonia for fertilizer, to water utilities that need chlorine to purify drinking water.

Some industrial companies have already begun the planning process for shutting down plants because they cannot operate without chemicals delivered by rail. We have heard from one

chemical company in New Hampshire that said its railroad will stop picking up chlorine on November 13.

This company is the only supplier of chlorine to the entire six-State New England region for drinking water and wastewater treatment. Therefore, after November 13, New England could very well be without chlorine to clean its water.

On a broader scale, a PTC-related rail shutdown would pull $30 billion out of the economy in one quarter alone and lead to 700,000 jobs lost in just one month. It is our responsibility to extend this deadline now and avoid such harm to the Nation's economy.

This language is based on bipartisan, bicameral work over the last several weeks, and it would ensure that railroads implement positive train control as quickly as possible.

I urge all of my colleagues to support H.R. 3819.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

On July 1, when we last visited the issue of a short-term extension for surface transportation, I bemoaned the fact that little progress had been made on a long-term, 6-year bill. I am pleased today that I don't have to use the same talking points.

We did, through the actual legislative process—with lengthy negotiations leading up to it—pass out of committee a 6-year bill, which relates to policies that would underlie a 6-year investment in our crumbling infrastructure. That is the good news.

It was ultimately a bipartisan effort in the tradition of the committee. There is not too much to make partisan about moving goods and people from here to there efficiently except for those who are opposed to the Federal Government being involved and, who, luckily, don't represent a majority on our committee. So that is the good news.

The bad news is we still do not have the funding mechanism before us, so we have to do another short-term extension. Also, the currently stated objective for funding is totally inadequate. I mean, America is falling apart. It is embarrassing, actually.

These States, including many all-red Republican States—14 States—have voted to raise gas taxes since 2013 to invest in maintaining or in rebuilding their infrastructure or in building out new transportation options to get their citizens and goods out of congestion—14 States. Since 2008, nearly half of the States have taken action to raise more funds.

The Federal Government last raised the gas tax in 1993, and we are told any increase in user fees—gas tax, barrel tax, indexation of the gas tax, vehicle miles traveled—is all off the table. We cannot ask those who use the system to pay user fees to improve the system that they use on a daily basis. I think the American people are more realistic than that.

Luckily, this bill contains a provision that, should this Congress or a future, more enlightened Congress decide to allocate additional funds, those funds will flow through under the policies set out in this bill and the formulas set out in this bill without any further action by Congress, as it is really a good idea to avoid coming to Congress for anything whenever you can. So that is, I think, a very important provision of the bill.

There is an AP story today that kind of goes to the heart of this, and it talks about the fact that, in many States, they are abandoning roads and bridges. We are not just talking about the rural heartland anymore. This has been somewhat commonplace in the rural heartland, where they have been saying, ''We can't afford to pave these roads anymore. We are going back to gravel.'' We are talking about King County in Washington State. We are talking about the counties and State areas surrounding Des Moines, Iowa.

We are talking about major urban areas and the fact that, since the Federal Government has failed to invest and to live up to its partnership for major, critical urban area projects or major projects for our ports or other choke points on the system, States have had to concentrate resources there.

They have tried to raise more money, again, with no help from the Federal Government. Now they are having to abandon the 20th-century transportation system. I mean, that is pretty darned pathetic, that we are not holding up our end of that bargain and making any effort to do that. So that is the bad news part.

As the chairman mentioned, this bill also includes critical provisions to extend positive train control deadlines. With the exception of some portion of Amtrak, nobody will be able to meet the deadline of January 1, which does mean an extraordinary disruption of the movement of freight and commuter and passenger rail across the United States.

We have worked very hard with the Senate in negotiations, and we have a bicameral agreement on the extension. It is tough. It says we are not going to get to this point again. It is not going to be kick the can, kick the can, kick the can.

It says that all of the entities that are required to put in place positive train control will put forward a plan for approval with measurable benchmarks over this 3-year period, and they will be tracked as to meeting those benchmarks during that 3-year period.

So it won't be that, suddenly, we get to the end of 3 years and we hear from a majority of freight and/or passenger-commuter railroads, saying, ''Gee, we just can't make it.''

We will know where we are headed and will be able to target our efforts on those who are lagging behind. At the end of that, yes, it will be possible to get another extension, but they all will have had to have installed the equipment.

The reality is that this is an expensive and complicated process, and putting in the equipment is, obviously, the first critical part and turning it on, but then it can take up to 2 years to get it certified as operational. So we are acceding to that reality in this legislation by saying: 3 years and measurable goals to get to the 3 years. Everybody is up with installation, and, hopefully, most will be operational at that point.

Some may not be due to circumstances beyond their control, even though they have made the necessary investments, and under negotiations with the Secretary of Transportation, they could get further extensions. So that is a very time-sensitive portion of this bill.

I have had many colleagues on my side saying, ''I am really tired of these short-term extensions. I really don't want to vote for another one.''

I have said that this is different. We have the policy in place—we don't have the funding yet—and we have got this very critical element of positive train control.

I am urging Members on my side of the aisle to support this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DENHAM), the subcommittee chairman on Railroads, Pipelines, and Hazardous Materials.

Mr. DENHAM. I thank Chairman SHUSTER, Ranking Member DEFAZIO, and Ranking Member CAPUANO for working with us to develop this important piece of legislation.

Mr. Speaker, this legislation would ensure that railroads actually implement positive train control. We need to do it as quickly as possible and as safely as possible for the safety of our country.

As chairman of the Railroads, Pipelines, and Hazardous Materials Subcommittee, we have been monitoring the railroads' progress in implementing PTC, positive train control, including holding a hearing in June that brought stakeholders in from across the country so as to understand exactly what the impacts are.

We have known for some time that most railroads simply won't be done with positive train control implementation by the end of this year. Now, several different things went into the delays of this, one of which is the FCC, where you have two government agencies not working together to get the tens of thousands of poles permitted so that they could actually have the communication interface.

PTC is a huge undertaking, requiring 38,000 wayside interfaces be installed along 60,000 miles of track. In addition, 18,000 locomotives need to be upgraded and 12,000 signals need to be replaced. All of these elements need to be seamlessly communicated across different railroads.

But what is important here is that we actually have benchmarks in place on implementation, that we have reporting on the progress and enforcement of the metrics throughout the entire extension. We need to make sure that this gets done right and that it gets done quickly.

Given this obvious need for an extension, a few weeks ago, Chairman SHUSTER and I, with Ranking Members DEFAZIO and CAPUANO, introduced a 3-year PTC extension. This bipartisan piece of legislation has garnered over 130 coauthors. Additionally, more than 200 stakeholders have signed letters to the Transportation Committee who support a PTC extension.

Just to give you a few examples from California:

If we don't extend the PTC deadline, the Altamont Corridor Express commuter rail service will shut down, putting more commuters on California's congested highways.

In the Central Valley, farmers will be negatively impacted, as farmers rely on rail for their fertilizers and our dairies and our cattle yards depend on feed that only comes in on rail. That is why the California Farm Bureau Federation and the California League of Wheat Growers are supporting a PTC extension deadline.

Those are just a few examples of broad and wide agreement among railroads, shippers, and consumers that Congress should pass this legislation.

In conclusion, we have worked in a bipartisan manner with our Senate counterparts to develop this legislation, and I believe this bill will ensure that PTC gets done as soon as possible and as safely as possible.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the ranking Democrat.

□ 1345

Ms. NORTON. Mr. Speaker, I thank Chairman SHUSTER and Chairman GRAVES as well as Ranking Member DEFAZIO for working with me and for all of us being able to work together on what will be, when it gets to the floor in November, I believe, the first 6-year or long-term transportation bill in 10 years. That is why it is possible not to fret that we are now going through another extension.

As a matter of fact, the States have the funds until January. These short-term extensions have compelled the States to stash their money without spending all of it because what they need to get to are long-term projects or at least projects that take more than a few months or a year or two, so we are making progress. When we authorize a 6-year bill, there will be a real burden on us to make sure that, in fact, it is 6 years.

I would advise my colleagues to support this last short-term extension. It is bipartisan. It is both Chambers. It avoids furloughs.

There is a bill waiting off stage. However, there is a funding mystery. I don't like mysteries, particularly with long-term bills. But I have to believe that the appropriate committee is meeting every day—it must be in secret—in order to fund this bill.

At least we have done our work, and we have done it in a bipartisan way. I won't trouble with the entire bill. There will be time to get to that.

I will say, on positive train control, that I regret there had to be a 3-year extension. I do think that puts at jeopardy those that have to be in these trains—employees and passengers. As I looked at what it took to do positive train control, I don't think we had any alternative. So that gives people 3 years.

With the benchmarks, I hope that we will get most of this done way before 2018. I don't like permitting individual waivers because, after all, there have been at least 2 years spent trying to do something about positive train control, and the jeopardy is clear when we see what has happened already with respect to terrible crashes that have taken human life.

Finally, I just want to say that perhaps the greatest challenge we have is a challenge that we must meet.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. NORTON. Mr. Speaker, and that is a new way to fund the highway trust fund. There is in the final bill some experimentation that I regard as urgent.

I thank my good friends on both sides of the aisle for this short-term extension, which I hope will be the last in a very long time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Mr. Speaker, I rise today to support this legislation.

I first want to thank Chairman SHUSTER as well as Ranking Member DEFAZIO for their hard work in marking up a meaningful, long-term transportation bill. It truly is something our country has eagerly anticipated, and we appreciate both you and your staff's hard work for giving our country the certainty that is needed on road and rail projects.

I also want to say I appreciate you including a deadline extension for the full implementation of positive train control safety technology. While this technology is vitally important for safety and many reasons, it has become increasingly clear that our Nation's passenger and freight railroads are unable to meet the current deadline.

As a farmer, I can tell you the resulting shutdown our country's freight network could experience if this deadline is not extended would have devastating consequences for both our farms and our entire Nation's economy. I appreciate your swift attention to this issue.

I urge all of my colleagues' support.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

I just want to say my heartfelt thanks to the leaders of the Democrats on the Committee on Transportation and Infrastructure, Mr. DEFAZIO and Ms. NORTON, for getting this extension until November 20. It doesn't give us much time, but we need to get down to work, get this passed next week, get it into conference, and work to get this on the floor as soon as possible.

I also thank them for a sound extension to PTC, which is absolutely vital to the Nation's economy to get this thing extended so we continue rail shipments and to make sure that we have got something in place that gets this important technology deployed in a reasonable way, a responsible way to make sure that our rail system continues to be even safer than it is today. It is a very, very safe system today.

So I urge all my colleagues to support this.

I yield back the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I rise to express my support for this extension and I truly hope this is the last one we need to pass for a very long time. This extension also addresses an emergency involving Positive Train Control (PTC).

Positive Train Control (PTC) is a critical system and it's very important that we address this issue in a rational manner. We need to implement positive train control as soon as humanly possible, but we need to get it done right. I don't want to see a situation where the federal government is fining railroads on a daily basis or picking winners and losers, because I don't think that is good for anyone. Our railroads are a critical part of our nation's economy and I'd much rather have them spending their money on implementing PTC and improving and expanding their infrastructure.

I believe wholeheartedly that reauthorizing a surface transportation bill will give the economy just the type of boost it needs. A long term transportation bill will strengthen our infrastructure, provides quality jobs, and serves as a tool to put America back on a path toward long-term economic growth.

Last week the Transportation and Infrastructure Committee passed a fair bill that moves us closer to sending a long term bill for President Obama to sign in to law.

This important legislation included a critical freight grant program, additional programs and funding for transit systems and their operators, continues the Transportation Alternatives Program (TAP) and creates a new non-motorized safety grant program, includes a much needed extension of Positive Train Control (PTC) implementation, increased funding for Grade Crossings, Requires more information on Hazardous Trains to State Emergency Response Commissions, incentivizes states to combat racial profiling, and extends the Disadvantaged Business Enterprise (DBE) Program.

Unfortunately, without critically needed additional funds, we're robbing Peter to pay Paul and forcing our states and local transportation agencies to pay more for New Starts and other programs while limiting their flexibility to use these funds. And we're missing out on an opportunity to ensure our infrastructure is meeting the needs of the disadvantaged and

working class to ensure they have fair access to employment and economic centers.

We absolutely need to do more to protect pedestrians and bike riders from harm. According to the May 2014 Pedestrian Danger Index (PDI), Orlando is ranked as the most dangerous place for pedestrians, with Jacksonville and Tampa also included in the top five most dangerous cities. This bill spends more time protecting corporations from liability than it does protecting the traveling public. Moreover, we need to ensure that all sizes and modes of transportation are treated equally in the freight grant program and should remove any caps on funding for these entities.

Again, I encourage my colleagues to support this extension and support bringing a long term transportation bill to the House floor as soon as possible.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise to speak on H.R. 3819, ''Surface Transportation Extension Act of 2015,'' which reauthorizes federal-aid highway and transit programs for three weeks through November 20, 2015.

The bill also extends by three years the December 31, 2015 deadline for railroads to install positive train control systems but, within 90 days of enactment, all affected railroads must submit to the U.S. Department of Transportation a revised PTC compliance plan.

Mr. Speaker, instead of this 22-day temporary extension, I would have strongly preferred that we were debating a comprehensive, fair, equitable, and long-term transportation reauthorization bill the nation desperately needs.

We have had two years to do so.

Democrats want such a bill as does the President, but apparently our friends across the aisle do not since they have spent the last two years wasting time on advocating policies wanted by no one except for the right-wing extremists of the Tea Party.

But I reluctantly support this emergency but temporary measure because as the Department of Transportation has reported, if we do not act now highway trust fund balances will reach dangerously low levels by November 20 and result in a reduction of payments to states by an average of 28 percent.

Many states have already begun to cancel or delay planned construction projects, threatening 700,000 jobs, including 106,100 jobs in my home state of Texas.

Mr. Speaker, the Highway Trust Fund was created in 1956 during the Eisenhower Administration to help finance construction of the Interstate Highway System, which modernized the nation's transportation infrastructure and was instrumental in making the United States the world's dominant economic power for two generations.

Our national leaders then understood that investing in our roads and bridges strengthened our economy, created millions of good-paying jobs, and improved the quality of life for all Americans.

It is currently composed of two accounts that fund federal-aid highway and transit projects built by states. Federal funding from the trust fund accounts for a major portion of state transportation spending.

The Highway Trust Fund is financed by gasoline and diesel taxes, which until the last decade produced a steady increase in revenues sufficient to accommodate increased levels of spending on highway and transit projects.

However, those tax rates—18.4 cents/gallon federal tax on gasoline and a 24.4 cents/gallon tax on diesel fuel—have remained unchanged since 1993 and were not indexed to inflation so the value of those revenues has eroded over the years, and, combined with the fact that vehicles have been getting increasingly better mileage, the revenues deposited into the Highway Trust Fund beginning last decade have not kept pace with highway and transit spending from the trust fund.

Consequently, since 2008, Congress has periodically had to transfer at the 11th hour general Treasury revenues into the trust fund to pay for authorized highway and transit spending levels and avoid a funding shortfall.

The total amount to date is more than $62 billion.

Obviously, this practice is economically inefficient and injects uncertainty in the highway construction plans, projects, and schedules of state and local transportation agencies, not to mention the anxiety it causes to workers and businesses whose economic livelihood is dependent on those projects.

Mr. Speaker, the last transportation authorized by Congress for 4 years or more, SAFETEA–LU, expired on September 30, 2009, at the end of FY 2009.

Because Congress and the Administration could not agree to a new reauthorization, it was necessary to resort to stop-gap temporary extensions on no less than eight occasions spanning a period of 910 days before Congress finally enacted the ''Moving Ahead for Progress in the 21st Century Act'' (MAP–21 Act) on July 6, 2012, which reauthorized highway and transportation programs through Fiscal Year 2014, a little more than two years, or until September 30, 2014.

MAP–21 was intended as a short-term measure to give Congress and the Administration breathing room to reach agreement on a long-term reauthorization bill.

Yet, as Mr. LEVIN, the Ranking Member of the Ways and Means Committee, has often pointed out, since gaining the majority in 2010, our Republican colleagues have failed to take any action to sustain the Highway Trust Fund over the long-term and shore up vital infrastructure projects and has not held even a single hearing on financing options for the Highway Trust Fund.

Instead, House Republicans have wasted the nation's time voting to repeal the Affordable Care Act more than 60 times, waging a War on Women, pursuing partisan investigations into the Benghazi tragedy, the IRS, defunding Planned Parenthood, and trying to overturn President Obama's executive actions that make our immigration enforcement laws less inhumane.

Instead of doing their job, House Republicans big new idea is to attack the President for doing his job.

Mr. Speaker, it is long past time for this Congress, and especially the House majority, to focus on the real problems and challenges facing the American people.

And one of the biggest of those challenges is ensuring that America has a transportation policy and the infrastructure needed to compete and win in the global economy of the 21st Century.

To do that we have to extend the reauthorization of current transportation programs and to authorize the transfer of the funds to the Highway Trust Fund needed to fund authorized construction projects and keep 700,000 workers, including 106,100 in Texas on the job.

But that is only a start and just a part of our job.

The real work that needs to be done in the remaining days of this Congress is to reach an agreement on a long-term highway and transportation bill that is fair, equitable, fiscally responsible, creates jobs and leads to sustained economic growth.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3819.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 491;

Adopting House Resolution 491, if ordered;

Ordering the previous question on House Resolution 450; and

Adopting House Resolution 450, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1090, RETAIL INVESTOR PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 491) providing for consideration of the bill (H.R. 1090) to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 242, nays 185, not voting 7, as follows:

[Roll No. 570]

YEAS—242

Abraham	Bishop (UT)	Buck
Aderholt	Black	Bucshon
Allen	Blackburn	Burgess
Amash	Blum	Byrne
Amodei	Bost	Calvert
Babin	Boustany	Carter (GA)
Barletta	Brady (TX)	Carter (TX)
Barr	Brat	Chabot
Barton	Bridenstine	Chaffetz
Benishek	Brooks (AL)	Clawson (FL)
Bilirakis	Brooks (IN)	Coffman
Bishop (MI)	Buchanan	Cole

Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—185

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—7

Costa
Franks (AZ)
Hurt (VA)
Meeks
Pearce
Roskam
Takai

□ 1417

Mr. FATTAH changed his vote from ''yea'' to ''nay.''

Messrs. SALMON and GOODLATTE changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HURT of Virginia. Mr. Speaker, I was not present for rollcall vote No. 570, a recorded vote on the previous question on H. Res. 491. Had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 186, not voting 4, as follows:

[Roll No. 571]

AYES—244

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—186

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy

Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—4

Meeks
Pearce
Roskam
Takai

□ 1425

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 597, REFORM EXPORTS AND EXPAND THE AMERICAN ECONOMY ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 450) providing for consideration of the bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 271, nays 158, not voting 5, as follows:

[Roll No. 572]

YEAS—271

Adams
Aderholt
Aguilar
Amodei
Ashford
Barletta
Barton
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Graves (MO)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hardy
Harper
Hartzler
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hultgren
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Knight
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCollum
McDermott
McGovern
McMorris Rodgers
McNerney
Meehan
Meng
Mica
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
O'Rourke
Palazzo
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pitts
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Ribble
Rice (NY)
Richmond
Rigell
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Whitfield
Wilson (FL)
Wilson (SC)
Womack
Yarmuth
Young (AK)

NAYS—158

Abraham
Allen
Amash
Babin
Barr
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Burgess
Byrne
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Conaway
Culberson
Denham
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Grayson
Griffith
Grothman
Guinta
Guthrie
Harris
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson, Sam
Jones
Jordan
Kelly (MS)
King (IA)
Kline
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Loudermilk
Love
Lummis
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McSally
Meadows
Messer
Miller (FL)
Miller (MI)
Mooney (WV)
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Perry
Pittenger
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Roby
Roe (TN)
Rohrabacher
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stutzman
Thornberry
Tiberi
Tipton
Trott
Visclosky
Walberg
Walden
Walker
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wittman
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—5

Meeks
Pearce
Rice (SC)
Roskam
Takai

□ 1432

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 275, nays 154, not voting 5, as follows:

[Roll No. 573]

YEAS—275

Abraham
Adams
Aderholt
Aguilar
Ashford
Barletta
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Graves (MO)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hardy
Harper
Hartzler

Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hultgren
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Knight
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCollum
McDermott
McGovern
McMorris Rodgers
McNerney
Meehan
Meng
Mica
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
O'Rourke
Palazzo
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pitts
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Whitfield
Wilson (FL)
Wilson (SC)
Womack
Yarmuth
Young (AK)

NAYS—154

Allen
Amash
Babin
Barr
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Brat
Bridenstine
Brooks (AL)
Buck
Burgess
Byrne
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Conaway
Crawford
Culberson
Denham
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Grayson
Griffith
Grothman
Guinta
Guthrie
Harris
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson, Sam
Jones
Jordan
King (IA)
Kline
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Loudermilk
Love
Lummis
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McSally
Meadows
Messer
Miller (FL)
Miller (MI)
Mooney (WV)
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Perry
Pittenger
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Roby
Roe (TN)
Rohrabacher
Rokita
Ross
Rothfus
Rouzer
Royce
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stutzman
Thornberry
Tipton
Trott
Visclosky
Walberg
Walden
Walker
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wittman
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—5

Amodei
Meeks
Pearce
Roskam
Takai

□ 1440

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall 573, I would like to be recorded as voting "yea."

Stated against:

Mr. BRADY of Texas. Mr. Speaker, I hurriedly returned to the House chamber from a meeting. I voted "yes" on rollcall 573. I intended to vote "no."

EXPORT-IMPORT BANK REFORM AND REAUTHORIZATION ACT OF 2015

The SPEAKER pro tempore. Pursuant to House Resolution 450, the House will proceed to the immediate consideration of the bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 450, the amendment in the nature of a substitute consisting of the text of H.R. 3611 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Export-Import Bank Reform and Reauthorization Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 101. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraph (2) and inserting the following:

''(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

''(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.''.

SEC. 102. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 103. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

''(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—

''(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

''(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

SEC. 104. OFFICE OF ETHICS.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(k) OFFICE OF ETHICS.—

''(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

''(2) HEAD OF OFFICE.—

''(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

''(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

''(i) appointed by the President of the Bank from among persons—

''(I) with a background in law who have experience in the fields of law and ethics; and

''(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

''(ii) approved by the Board.

''(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

''(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

''(A) recommend administrative actions to establish or enforce standards of official conduct;

''(B) refer to the Office of the Inspector General of the Bank alleged violations of—

''(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

''(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

''(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

''(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

''(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.''.

SEC. 105. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 104, is further amended by adding at the end the following:

''(l) CHIEF RISK OFFICER.—

''(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

''(A) oversee all issues relating to risk within the Bank; and

''(B) report to the President of the Bank.

''(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

''(A) appointed by the President of the Bank from among persons—

''(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

''(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

''(B) approved by the Board.

''(3) DUTIES.—The duties of the Chief Risk Officer are—

''(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

''(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

''(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

''(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

''(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

''(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.''.

SEC. 106. RISK MANAGEMENT COMMITTEE.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 104 and 105, is further amended by adding at the end the following:

''(m) RISK MANAGEMENT COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

''(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

''(3) DUTIES.—The duties of the Risk Management Committee shall be—

''(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

''(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

''(ii) the monitoring of industry, geographic, and obligor exposure levels; and

''(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).''.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

SEC. 107. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 105.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

SEC. 108. PILOT PROGRAM FOR REINSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the ''Bank'') may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

TITLE II—PROMOTION OF SMALL BUSINESS EXPORTS

SEC. 201. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SEC. 202. REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(k) REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

TITLE III—MODERNIZATION OF OPERATIONS

SEC. 301. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

''(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

''(ii) to accept electronic payments in all of its programs.''.

SEC. 302. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019'';

(2) in paragraph (2)(B), by striking ''(I) the funds'' and inserting ''(i) the funds''; and

(3) in paragraph (3), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019''.

TITLE IV—GENERAL PROVISIONS

SEC. 401. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2014'' and inserting ''2019''.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)''.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Bank expires under section 7''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 402. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(iii) with principal amounts of not more than $25,000,000; and''.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking ''$10,000,000 or more'' and inserting the following: ''$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

TITLE V—OTHER MATTERS

SEC. 501. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

''(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

''(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

''(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

''(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

''(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.''.

SEC. 502. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Treasury (in this section referred to as the 'Secretary')'' and inserting ''President''; and

(B) in paragraph (1)—

(i) by striking ''(OECD)'' and inserting ''(in this section referred to as the 'OECD')''; and

(ii) by striking ''ultimate goal of eliminating'' and inserting ''possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''President''; and

(3) by adding at the end the following:

''(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

''(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

''(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 503. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the ''Bank'') shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and

ranking minority member of the Committee on Financial Services or their designees.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this is going to be an important debate that we have today because it is a debate about what type of economy we are going to have: an economy based upon fairness, where your prosperity is dependent upon how hard you work on Main Street; or is it dependent upon who you know in Washington?

□ 1445

I respect the views of all Members, but if we are ever—ever—to deal with the threat of a social welfare state, we must first take care of the corporate welfare state, and the face of the corporate welfare state is the Export-Import Bank.

I yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of the Monetary Policy and Trade Subcommittee of the Financial Services Committee

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the work that my chairman has done. I chair the Monetary Policy and Trade Subcommittee, the subcommittee that has jurisdiction directly over this.

In the last conference when I was vice chair of that committee, we started a work group looking at various reforms that could happen, and that continued on into this term. We had a number of us on all sides of the issue that were working together.

The real problem arose, though, when those of us who felt that we needed to move in a direction where we were transferring that liability from the taxpayer back to businesses—when we felt that we were proposing some of those reforms, those who were most benefiting from the program said: Absolutely not. Not a direction we can go. Cannot be a phaseout. Cannot be a sunset. Cannot be a change to make these recourse loans. Cannot make them only loans as opposed to grants. In other words, it was business as usual.

It might be a good business decision to transfer business liability and risk to somebody else, but it is a bad idea to transfer that additional liability to the U.S. taxpayer.

I think that we have a couple of issues in front of us, Mr. Speaker, as was talked about yesterday. First is the issue of the Ex-Im Bank and the entitlement mentality that has grown up, and that is just a symptom of it.

As the chairman has said, if we cannot take care of and tackle this entitlement mentality within the business community, how in the world are we going to have the moral standing to tackle that same entitlement mentality on the social side of our spending?

So it is sad to believe, in my mind, that some people think that this is the only or the best program that we can put forward for the U.S. to remain competitive on the world stage.

We know that we have put ourselves at a disadvantage through the regulatory environment that has been created not only under this administration, but under previous administrations as well. We know that the tax regime that we have is also a huge problem.

I just ask that my colleagues oppose this effort to make sure that it is status quo in Washington, D.C.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, yesterday this House took a historic and bipartisan vote in support of reauthorizing the Export-Import Bank. We showed that Democrats and Republicans can work together to overcome the obstruction caused by an ideologically driven minority that put its own uncompromising principles over the needs of the American people.

The 4-month shutdown of the Export-Import Bank engineered by the chairman of the Financial Services Committee has led to hopelessness, uncertainty, and fear for the many workers across this country whose livelihoods rely on the support of the Ex-Im Bank.

As reports continued to pile in on the loss of jobs caused by the Bank's shutdown, the chairman has remained deliberately indifferent to the harm inflicted on the lives of these Americans. The cost of this indifference is more than 100 transactions worth more than $9 billion that have been indefinitely put on hold pending the Bank's reauthorization. Unfortunately, many of these contracts have now been lost for good.

Today we are showing the small-business owners and their employees that this indifference does not extend to the whole House of Representatives. Supporters of the Bank care about them, about their jobs and their communities.

It is high time we reopened the Ex-Im Bank for business. Instead of shipping jobs abroad, let's start shipping American exports again. Let's put America back to work and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN), the distinguished chairman of the House Ways and Means Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my strong disapproval for this bill for the Export-Import Bank. This is a profound debate we are having. It is about what kind of economy we are going to have. Are we going to reward good work or good connections? I think there are plenty of other ways to expand opportunity in this country, and corporate welfare is not one of them.

The biggest beneficiaries of this bank, two-thirds of their money goes to ten companies and 40 percent goes to one company. And this bank does cost money. Just ask the Congressional Budget Office when they use real scorekeeping.

Do you remember Fannie Mae? Do you remember their accounting? Do you remember when they told us they weren't going to cost any money? Until they did. And it cost us billions.

The other excuse, Mr. Speaker, that I just don't buy is that other countries do this and so should we. We shouldn't acquire other countries' bad habits. We should be leading by example. We should be exporting democratic capitalism, not crony capitalism.

There is this criticism of those of the free enterprise system who compare it to competition like a sport where the critics of free enterprise say there is a winner and there is a loser, just like a boxing match or a football game.

Well, that is true when it comes to crony capitalism. That is the case when it comes to corporate welfare because, in that case, the winner is the person with the connections, it is the company with power, and it is the company with clout.

The loser is the person who is out there working hard, playing by the rules, not knowing anybody, not going to Washington, and hoping and thinking that the merit of their idea and the quality of their work is what will win the day. That is what is rewarded under a free enterprise system.

Free enterprise is more about collaboration. It is more about transactions of mutual benefit where everybody benefits, the rising tide lifts all boats, equality for all, and equal opportunity. That is free enterprise. That is small d, democratic capitalism. This thing is crony capitalism. I urge it be rejected.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE), a member of the Financial Services Committee and the ranking member of the Monetary Policy and Trade Subcommittee, which has jurisdiction over the reauthorization of the Ex-Im Bank. I just want to take a moment to recognize her tireless work on behalf of the reauthorization of the Ex-Im Bank.

Ms. MOORE. I thank you so much, Madam Ranking Member.

Mr. Speaker, it is with great pleasure that I rise to support this bipartisan initiative to reauthorize the Export-Import Bank. The Export-Import Bank is about three things in this country that we need to be debating here more often, and that is jobs, jobs, and jobs. Getting the bill to the floor for this historic vote is about something the country also needs more of, and that is bipartisanship.

I am very distressed, Mr. Speaker, to continue to hear the debate that somehow the financing of the Export-Import Bank is contributing to the welfare state and that, if we are to tackle the social welfare programs under Social Security, we have got to get rid of this corporate welfare.

I am distressed to continue to hear that defeating the Export-Import Bank is a backdoor approach to ending Social Security. If you listen very carefully, colleagues, you are going to hear this over and over again.

I do want to thank Representatives HOYER, LUCAS, WATERS, HECK, FINCHER, and the House Members on both sides so that we can now go back to our districts, look U.S. workers in the eyes and say that we are not giving them welfare, that we are giving the thousands upon thousands upon thousands of people in the chain an opportunity to work for a living. This is not a Democrat or a Republican victory, but a victory for all our workers.

I would ask that the body vote for the reauthorization of the Export-Import Bank. I hope the Senate takes our example and we send this to the President for his signature. Our work and our businesses should not have to wait one more day to reignite this powerful engine of job creation.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE), the distinguished chairman of the House Budget Committee.

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairman.

Mr. Speaker, this is a difficult and an important issue. With all due respect, I urge my colleagues to proceed with caution regarding a reauthorization of the Export-Import Bank, particularly under the procedural motion that has been used to get this bill to the floor today.

Many Members, including myself, have real concerns that we are sidestepping the important work of our committees, in this case, both the Financial Services Committee and the Rules Committee.

This leaves no room for amending or altering the legislation to better reflect the overall will of the House. This bill is, in fact, not even a product of the House. It is the exact same text that was taken from the Senate, and, just like this one, it bypassed the committee procedure over there as well.

By shortchanging the process, this effort is shortchanging the debate that we should be having about legitimate disagreements over the Export-Import Bank, and, thereby, we are shortchanging the American people.

For example, we know that, by statute, 20 percent of the Export-Import Bank's authorizations are supposed to go to small businesses. Yet, today only 1 percent of 1 percent of small businesses are actually aided by the Bank.

We also know that, when the Ex-Im subsidizes foreign corporations, it runs the risk of undermining American business. It is estimated that the Export-Import Bank has led to the loss of 7,500 jobs in the American airline industry alone and a loss of over $684 million in revenue.

These are serious concerns at a time when we should be fostering a climate of healthy economic opportunity and growth right here at home rather than a system that effectively chooses winners and losers.

It may not necessarily be the intention of my colleagues who supported this discharge petition effort to undermine the legislative process or to diminish the importance of our committees or, above all, to limit what we can and should be having here, a healthy debate over legitimate policy disagreements.

But, unfortunately, Mr. Speaker, that is precisely what is occurring. Therefore, I urge my colleagues to join me in opposing this process and to stop this dangerous precedent from taking root.

Ms. MAXINE WATERS of California. I yield 2 minutes to the gentleman from Washington (Mr. HECK), a tireless advocate for our exporters who has never missed an opportunity to fight for the Export-Import Bank and the American workers it supports.

Mr. HECK of Washington. Mr. Speaker, I thank the ranking member.

Mr. Speaker, watching the nonstop ideological warfare waged on the Export-Import Bank over the last nearly 3 years reminds me of my very favorite Will Rogers adage: People feel about Congress the same way they do when baby gets hold of the hammer. And that is, in fact, what we have been treated to.

But the fact of the matter is today we have an opportunity to turn that adage on its ear and do something that the American public will feel good about Congress for, for today we have an opportunity to vote for jobs, 164,000 in just last calendar year supported by the Ex-Im, good-paying jobs, send-your-kid-to-college jobs, buy-a-home jobs, take-a-vacation jobs, and have-a-secure-retirement jobs.

Mr. Speaker, tonight we have an opportunity to strengthen and protect the manufacturing base of America, because the truth of the matter is it is not unrelated to our national defense infrastructure. The same entities that make up our manufacturing base keep us safe, and we should not forget that.

Tonight we have an opportunity, indeed, to vote for reform of the Export-Import Bank despite the fact that it has a default rate that is the envy of commercial banks and a collection rate as well.

Mr. Speaker, the truth of the matter is we can vote to increase loss reserves, improve risk management, modernize and update their IT, and notwithstanding what was said by the gentleman from Michigan, it also has a pilot recourse program in it on the reinsurance for payment side.

Tonight we have an opportunity to vote for a reduction of the deficit. Yes. The Ex-Im for a generation has transferred cash—the heck with your theoretical accounting model—transferred cash into the U.S. Treasury, $675 million just last fall.

Let me say it again. Tonight we have an opportunity to vote for jobs. No more Waukesha, Wisconsins, Ms. MOORE, no more Waukesha, Wisconsins, where an entire factory is being shuttered because we have failed to do our job in reauthorizing the Export-Import Bank.

Mr. Speaker, I want to thank the ranking member, the leader, the whip, and especially I want to thank my friends, Mr. LUCAS of Oklahoma and Mr. FINCHER of Tennessee, for their profile in courage. It was, indeed, a profile in courage to do the right thing. Tonight we have an opportunity to put American jobs first. Tonight we have an opportunity to put America first.

I don't know about you, but I came here from the private sector. I don't reside in some kind of fantasy plot within an Ayn Rand novel. I live in the real world, and in the real world we solve problems. This will solve problems. Vote ''yes''.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ), chairman of the Oversight and Government Reform Committee that held a number of key hearings on the Export-Import Bank.

Mr. CHAFFETZ. Mr. Speaker, I stand to express opposition to the reauthorization of the Export-Import Bank.

As we look at these weighty issues, I think it is important that we look at both the liability and the accountability in this factor.

When you look at the reliability, whenever we make decisions about spending money, we are talking about pulling money out of somebody's wallet and giving it to somebody else.

□ 1500

And, in this case, as we look at liability, we are taking every American's wallet and putting it on the line and saying: Should we or should we not create liability for more individuals across the heartland? And for mom and dad, I just don't think that is the right equation. I fundamentally disagree with it.

If these are such good loans and they are so profitable, then do them in the private sector. You don't need the Federal Government to do them.

And when it comes to accountability. Let's remember, this is a bank that just this year had a bank employee who plead guilty to bribery—bribery of all things. The inspector general of the bank testified before our committee that they expect even more actions. And the inspector general on one project could not even validate more than $500 million in spending. And I can tell you, as the chairman of the Oversight and Government Reform Committee, they have not been transparent in giving us the information.

I urge my colleagues to vote ''no.''

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), a member of the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership.

I rise in strong support of reauthorizing the Export-Import Bank.

There is never really a good time to commit economic suicide, and now would be especially a bad time. The Export-Import Bank creates jobs by supporting exports, and it costs taxpayers nothing—zero. In fact, since 1992, the Ex-Im has returned nearly $7 billion to the U.S. Treasury.

Killing the Ex-Im Bank would be especially bad right now. Export demand is falling because of our strong dollar and economic headwinds in China and Greece and Europe. We have to remember that there are 85 different export-import banks around the world from China to Canada, all of which are supporting exports more than we are. We are in a competitive world. They say when you lose a job, it goes somewhere else. But what the opposition isn't saying is that it is going overseas.

I support the Export-Import Bank, and we should vote for reauthorization.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT), chairman of the Capital Markets Subcommittee of the Financial Services Committee.

Mr. GARRETT. Mr. Speaker, I thank the chairman.

In June of this year, after 81 years of doling out taxpayer-funded welfare for megacorporations, the American people said enough, and Congress let the Export-Import Bank expire.

Yet, today, through a little known and little used legislative maneuver being used to circumvent the will of the American people, they are resurrecting this fund for corporate welfare.

The Export-Import Bank transformed the role of government from a disinterested referee in the economy into a biased actor that uses your taxpayer dollars to tilt the scales in favor of its friends, and it mocks the American Dream by making victims of the startups that dare to compete.

If we promoted responsible government policies, responsible budget policies, expanded free markets, lowered and simplified the income taxes, and repealed onerous regulations, American businesses would thrive in the global markets. But none of that is on the table today on what we are about to consider.

Instead, the proposal before us is the resurrection of a bank that embodies the corruption of the free enterprise system. Yes, we have the opportunity today to save capitalism from cronyism. Yes, we have the opportunity to protect the American taxpayer and the American Dream and to preserve free enterprise. We have the opportunity today to keep the Export-Import Bank out of business. We should take each of those opportunities.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN), a member of the Financial Services Committee.

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, in the ideologically perfect world of Ayn Rand novels, there is no Ex-Im Bank for the United States or any other country. In the real world, Germany has an export credit agency. China has one. Canada has one. They are all much bigger than ours.

When I gave 100 speeches for George McGovern, they accused us of favoring unilateral military disarmament. Now, we see some who are in favor of unilateral economic disarmament. Our products face tough competition, and sometimes the order goes to whomever has the best financing. Ninety percent of Ex-Im Bank's loans go to small business and the other 10 percent help Big Business buy from American suppliers. Two hundred and fifty Members of this Congress support Ex-Im Bank, with particular courage among the 40-something Republicans who signed the discharge petition.

As co-chair of the CPA Caucus, let me tell you, the Ex-Im Bank makes a substantial profit under generally accepted accounting principles. That is why they have been able to transfer $7 billion to the Treasury.

Ronald Reagan said: The Export-Import Bank contributes in a significant way to our Nation's export sales.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND), a valuable Member of the House Financial Services Committee.

Mr. WESTMORELAND. Mr. Speaker, I thank the chairman for yielding.

I rise in opposition to H.R. 597, to the Export-Import Bank, and to the process Members have used to circumvent regular order and the amendment process of the House.

I have more Delta employees in my district than any other district in the United States. Their jobs are at risk because the Export-Import Bank picks winners and losers in the American economy.

When the Ex-Im Bank finances a Boeing airplane for Emirates Airlines—as if Emirates Airlines would need any financing—the Bank is telling pilots and flight attendants and mechanics and others in my district that their jobs don't matter to the government. That is wrong.

My colleagues from Washington State and other areas want you to believe that they are fighting for the jobs in their district, and I am sure they are. I am here fighting for the jobs of my constituents. My colleagues want their constituents to have jobs, but not my constituents.

Well, I have news for my colleagues. I care about everyone's job. I care about Boeing jobs, I care about Caterpillar jobs, and, yes, I care about Delta jobs. I want the free market and the quality of U.S. products to dictate who gets contracts. This is how America was built—quality products made by quality employees stamped ''Made in America.''

Three years ago, Congress directed the Export-Import Bank to focus on an economic impact analysis to ensure the Bank knew the consequences of their lending decisions. Unfortunately, the Export-Import Bank acts as if they are above the requirements of Congress. Instead of following the law, the leadership at the Export-Import Bank colluded with Boeing to design an economic impact analysis to keep the status quo in place.

Mr. Speaker, if you don't believe me, the House Financial Services Committee has the emails to prove it. These are the bureaucrats that my colleagues are up here protecting. It is shameful, truly shameful.

To add insult to injury, my colleagues refuse to allow to offer amendments to defend my constituents. These are the very same people who cry ''regular order'' yet won't deny the Members to have an ability to fight for their constituents.

I ask everybody for a ''no'' vote.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), also a member of the Financial Services Committee.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of allowing the majority of the Congress to work its will and reauthorize the Export-Import Bank.

The Bank has supported more than 1.3 million private sector American jobs since 2009, with nearly 90 percent of its transactions directly supporting small businesses. The Bank is an unbridled, market-driven success story that I am proud to support.

Three months have passed since a small group of Tea Party Caucus members threw common sense out the window and surrendered to an ideological drive to shut down the Bank despite warnings from across the private sector of the devastating consequences for our economy, American small-business exporters, and their employees.

Today, I stand side by side with my colleagues from across the aisle to fight for them, including Ventech Engineers International, based in my area of south Texas. Ventech manufactures small, pre-built oil refineries for export supplying fuel to remote and impoverished areas. Ventech cannot create more jobs or assist in our national security objectives without financing provided by the Bank.

We cannot allow a small minority of the minority Chamber to block job creation and weaken our international priorities.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from

California (Mr. MCCARTHY), the distinguished Republican majority leader.

Mr. MCCARTHY. Mr. Speaker, I want to thank the chairman for yielding.

We are having a debate, a healthy debate, but I don't think this is the structure or the forum in which we should have a debate about this because we don't have the option for amendments. I think there is a better way to do this.

People have two views about the argument today. But the real question of the debate we are having comes down to this: Do we let government pick and choose who it gives special taxpayer loans to or not? I believe our constituents know very well what the right choice is. They don't want their tax dollars backing up loans for any businesses. That is not the government's job. The private sector can and should do that. Our economy does best when the government is left out.

When government gets involved trying to centralize power and money in itself, corruption is inevitable. The Ex-Im Bank is a perfect example of this, and this is my concern. An inspector general is investigating at least 31 cases of fraud of the Ex-Im Bank, and this fraud has wasted millions of taxpayer dollars.

But it doesn't stop there. A former Ex-Im Bank employee, Johnny Gutierrez, pleaded guilty this year to taking bribes on 19 different occasions to help applicants get loans from the Ex-Im.

Another Ex-Im Bank employee was indicted for taking $100,000 in bribes to help a Nigerian businessman get loans from the Ex-Im.

And we all remember a Congressman, William Jefferson, who was sentenced to 13 years in prison for taking bribes to help a company get loans from the Ex-Im.

You see, there is a pattern, a pattern that won't be solved today, regardless of what side you are on.

Since 2009, in fewer than 6 years, there have been 49 criminal judgments against Ex-Im Bank employees or people who benefited from the Ex-Im. Many of these people have gone to prison for it. In fact, if you add them all up, that is 75 years they are serving.

Now, I wish I could tell you that was my only complaint and problem and it ended there, but it does get worse. A large number of loans of Ex-Im guarantees aren't even for American companies. The Bank actually uses taxpayer money to back up loans for companies owned by governments of China, Russia, Saudi Arabia, and others.

These loans to corporations outside of America don't always go well. Do you remember NewSat? That is an Australia company that lost $139 million in taxpayer-backed loans. NewSat's CEO allegedly diverted company funds to his yacht company.

So the question, Mr. Speaker, is when does the corruption become too bad? When is it that too many people take bribes? How many taxpayer loans must be issued by fraud?

So the question I have before this House is, if we are serious, if we want to really make a difference, let's have a process that can change things, let's have a process that can offer amendments, let's have a process that offers an honest debate, and let's not be shy about what the problems are because I think the American people expect more.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN), the ranking member of the Subcommittee on Oversight and Investigations of the Financial Services Committee.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlewoman.

There is a better way to do this. It is called regular order through the committee process, bring it to the floor, and make amendments. However, when that doesn't prevail, the rules allow for what we are doing today, which is exceedingly important.

I would say this: the Ex-Im Bank does not take deposits; it makes deposits, and it makes deposits that help us with our deficit. The numbers have been called to our attention: in 2013, about $1 billion; in 2014, $675 million. But the Ex-Im Bank has done something more important than all of these things that have been called to our attention for the most part.

I think one of the most significant things that it has done is it has caused us to do something that we couldn't do for ourselves, and that is create the bipartisanship necessary to span the chasm of partisanship that has manifested itself in this House for too long.

□ 1515

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), another valuable member of the committee.

Mr. ROTHFUS. I thank the chairman.

Mr. Speaker, I suggest that someone has been missing from this debate. It is the forgotten man or woman—the everyday taxpayer—who is being asked to carry a risk that those in the private sector will not.

In 2008, we learned a tough lesson about privatizing profits and socializing losses. During the good times, many in Congress cheered on Fannie Mae and Freddie Mac, and their shareholders prospered while executives made millions; but when the good times ended, the taxpayers were forced to bail out Fannie and Freddie to the tune of $187 billion.

The Federal Government is today the guarantor of more than $3 trillion in loans backed by numerous agencies. This level of taxpayer leverage is not sustainable, and we must begin to identify parts of the portfolio that can be transitioned away from taxpayers.

Given that 98 percent of our exports are made without the Export-Import Bank, the Bank is one agency that is suitable for transition over time to the private sector.

However, in the immediate future, Congress must act to protect taxpayers. For example, in this reauthorization, Congress could insist that these loans be fully collateralized, just as is the practice in the private sector.

Congress could also require exporters, which profit from the Bank's lending to foreign purchasers of their products, to guarantee the repayment of all or of even a fraction of these loans.

If phased in smartly, reforms like these would mitigate the potential for the type of $3 billion bailout that the Ex-Im Bank sought in 1987, and they would also incentivize our trade representatives to actually initiate negotiations with our trading partners to eliminate all government-supported export subsidies and protect the taxpayer from potential losses, which is just as they were supposed to do in the last reauthorization.

Without these commonsense reforms, it is the taxpayer—the forgotten man or woman—and not the entity that made the profit who is on the hook for the loss. For that reason, I urge my colleagues to vote ''no'' so that real reform proposals for this institution may be pursued.

Ms. MAXINE WATERS of California. I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER), a member of the Financial Services Committee.

Mr. PERLMUTTER. I thank the ranking member for allowing me to speak.

Mr. Speaker, in my district, which are the suburbs of Denver, 18 small companies benefit from the Export-Import Bank and the guarantees and the support that it provides—hundreds and hundreds of jobs. These are jobs in plastics, scientific equipment, food manufacturing, wood products, and electrical equipment. Those are the forgotten people in this argument. Those are real jobs, real people.

Mr. MCCARTHY said there were two questions. I think the two questions are:

Should the United States unilaterally disarm at the expense of American businesses and U.S. jobs? I think the answer is a resounding ''no.''

The second question is: Should ideology trump reality? The reality is that we are just going to give these jobs to countries all across the globe instead of having them here in America. That is wrong.

I urge the passage of H.R. 597.

I thank Mr. HECK; I thank Mr. FINCHER; and I thank Mr. LUCAS for bringing this forward. Let's pass this bill today.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), another valuable member of the committee.

Mr. SCHWEIKERT. I thank the chairman.

Mr. Speaker, have you ever had one of those instances in which you are listening and you are trying to find a way to say, ''I believe much of the argument we are hearing here is intellectually disingenuous''?

The fact of the matter is every year there are trillions and trillions of dollars of surety and import-export credit

that moves through the markets, and it doesn't have a government guarantee. It does not have a guarantee from our taxpayers.

Look, this institution still has a $32 million loan from pre-Castro Cuba on their books. When they tell you ''Oh, we have this tiny number of charge-offs,'' what they are telling you is a lie.

Do you remember the hearings we had when we had the discussions as to what their impairments were? They just stared back at you because they didn't want to have that discussion, because every other financial institution has to honestly say, ''Here are our impairments. On this one, it was oil. We only had this level of charge-off.'' What they are not telling you is that they are still carrying loans that have sat on their books, without a payment, for 50 years.

To every citizen of this country, understand that, when this piece of legislation passes, you have just been put on the hook. Your credit has just been put on the hook for these types of loans.

That is what you intend to do to your taxpayers? That is what you are going to do to your constituencies?

This piece of legislation also purports to have reforms in it. As for the reforms, if they are not already doing these things, they should be locked up already because much of this is the most basic level that you would expect from any financial institution.

Then I come to another tab from the GAO and see repeat, after repeat, after repeat where it has already been the law and they have been ignoring it. Yet we are going to re-charter them again—an organization to which we are going to claim we are providing reforms when they are the very reforms from the last time we did this that they did not follow.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE), a member of the Financial Services Committee.

Mr. KILDEE. I thank the ranking member for yielding and for her leadership on this issue, along with thanking Mr. HECK, Ms. MOORE, Mr. FINCHER, and Mr. LUCAS.

Mr. Speaker, the Ex-Im Bank used to be bipartisan legislation. It is so interesting to hear the outrage expressed by Members on the other side for a program that was supported repeatedly by President Ronald Reagan. Where was your outrage then? I don't recall the outrage back then because then it was fine.

I also have heard that this is not the appropriate venue for this debate. This is the Congress of the United States of America, and I suspect that the American people think this is a perfectly appropriate venue.

The rule that we have utilized to bring this issue to the floor of the House is a rule that you wrote that allows Members of this body, by discharge petition, to bring legislation to the floor, supported by Republicans and Democrats.

We are using the rules of the House that you wrote. This is not an inappropriate venue. This is an argument about jobs for the American people, and I will use every venue available to me to fight for jobs for the American people.

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair and not to other Members.

Mr. HENSARLING. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 13½ minutes remaining. The gentlewoman from California has 18½ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of the Monetary Policy and Trade Subcommittee.

Mr. HUIZENGA of Michigan. I thank the chairman. I appreciate the opportunity to come back up here to talk again a little bit about this process.

We were starting to talk about what had happened through the committee. There is a work group that was put together both in the last Congress and in this Congress that came up with some, I think, very interesting things: reforms. Included in the reforms was: How do we extract ourselves out of this?

You see, here is what happened the last time.

The last time the Bank was reauthorized, it was through a short-circuited system much like we are experiencing today. It did not go through regular order. It did not have all of the backing that it needed. It was kind of jammed down on everybody on the House floor.

To let that smooth over a little bit, there was a requirement that the U.S. Treasury start a negotiation with the Europeans about one specific product: the wide-body aircraft. That is what maintains a vast majority of the business of the Export-Import Bank.

But here is the thing: The U.S. Treasury ignored that directive. They ignored the law as they were compelled to go in and start talking about: How do we unwind ourselves internationally from this mess that has been created?

Then, I think, there is a logical question to ask, Mr. Speaker: If they are willing to ignore that part of the law, what part of the law that we are trying to reform now are they willing to ignore?

My guess is all of it because, as I was talking about and as we were floating these ideas of various reforms of making these recourse loans, of making sure that—oh, I don't know—a bank examiner could come in and actually allow this ''Bank'' to pass any banking standards as their portfolio weighting is way off, they could never pass any kind of exam that any traditional bank would have to go through.

Every time any of those kinds of commonsense reforms were proposed, the word came back from down on high—from those big companies that utilize this bank—and they said, ''No way. No way are we going to allow this to happen.'' So, truly, the characterization of this being regular order is way out of line, in my opinion.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. BEATTY), who is also a member of the Financial Services Committee.

Mrs. BEATTY. I thank Ranking Member WATERS.

Mr. Speaker, here is what I know.

The American people are clamoring for us to do our job and work together to help hard-working American families get ahead. We can do that today by reviving the Export-Import Bank, a job-creating organization that reduces the Federal debt—with no subsidies, with no taxpayers' money.

Last night my caucus and some Republicans joined together to force today's vote on reviving the Export-Import Bank. Why? Because it creates jobs. It helps small businesses, female-owned businesses.

It is so important today for us to do this. I know it firsthand, Mr. Speaker, because, in my district alone, there are 14 businesses, including eight small businesses, one minority owned and one female owned. The Export-Import Bank supports some $71 million in exports—and here is the key—at no cost to American taxpayers.

We have heard a lot today, some misinformed, some misleading. So here is what I think, as the evidence is clear, Mr. Speaker: Let us renew the Bank's charter without delay.

Mr. HENSARLING. Mr. Speaker, in order to help equalize the time, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I have to speak fast.

The Export-Import Bank is good for America, and the arguments against it, in my opinion, are un-American.

This is the perfect Republican dream. It reduces the deficit. It adds to the Treasury. It creates jobs. It costs taxpayers nothing. It is unilateral disarmament to not recharge and reauthorize the Export-Import Bank. I support the legislation.

Mr. Speaker, I rise today in support of reauthorizing the Export-Import Bank of the United States.

In the darkest corner of the anti-empiricist wing of this Congress lies the plan to kill the Export-Import Bank.

Opponents of the Bank do not care that it supports small businesses and creates jobs.

Last year, nearly 90% of the Bank's loans benefited small businesses, and those loans supported more than 164,000 jobs.

Opponents are loath to admit that it reduces the federal budget deficit.

Ex-Im returned $675 million to the Treasury last year and more than $1 billion in each of the previous two years.

Opponents disregard the Bank's support for American exports.

Every other industrialized nation has an export-import bank, and this unilateral disarmament would cede American competitiveness.

I ask that my colleagues reject this blind pursuit of ideological purity, and reauthorize the Export-Import Bank.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I stand in support of the Ex-Im Bank.

Hundreds of families in New York's Capital Region face uncertainty after one of the largest employers had to move jobs to France because its contracts needed a government-backed loan guarantee that the Ex-Im Bank would have provided.

I thank my colleagues on the other side of the aisle for their leadership. It is too bad that it took procedural gymnastics to finally receive a vote on a bill with such broad, bipartisan support. Look what we can accomplish when we work together to do what is best for the thousands of people we each represent in this body.

The Export-Import Bank equals jobs. Let's get it done. Let's put people before politics.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. I thank the gentlewoman.

Mr. Speaker, I rise in support of reauthorizing the Ex-Im Bank.

You have two types of people. You have practical people who care about real solutions for American workers and American businesses, and you have slaves to ideology. Practical people want the Ex-Im Bank reauthorized.

This is supporting good-paying, family-sustaining manufacturing export jobs, and the people in opposition are slavishly adhering to this ideology that hurts America. In this case, the Ex-Im Bank returns a profit to the American people and it reduces the deficit and the debt. We ought to reauthorize it.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

□ 1530

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of this bipartisan Export-Import Bank reauthorization.

The Ex-Im Bank was founded by FDR to increase the competitiveness of American exports. It provides significant capital for U.S. companies and provides opportunities for U.S. jobs, allowing our companies to be competitive with companies overseas.

It provides confidence to businesses and investors, allowing them to compete in the global marketplace. In Rhode Island alone, The Bank has helped 26 businesses with a combined export value of $134 million.

The Ex-Im Bank is a vital part of our Nation's economic infrastructure, and I urge my colleagues to support its reauthorization.

Mr. HENSARLING. I reserve the balance of my time.

Ms. MAXINE WATERS of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise in support of H.R. 597, the renewal of the United States Export-Import, or Ex-Im, Bank.

In Pennsylvania, the Ex-Im Bank is essential to the economic health throughout Pennsylvania's Fifth District, supporting 11,000 jobs. The Bank supports 40,000 jobs across the commonwealth in nearly 300 companies, adding $7 billion to Pennsylvania's economy since 2007.

Exporters in my district range from powdered metal companies to technology firms and to those involved in the manufacture of rubber and plastic products. All of these businesses provide jobs which sustain our local communities. Since 2007, exports from the Fifth Congressional District in Pennsylvania have amounted to more than $1.3 billion, supporting thousands of jobs in rural Pennsylvania.

Mr. Speaker, the Ex-Im Bank is not a burden on the taxpayers. In fact, in 2013, The Bank covered its own expenses before directing more than a billion dollars into the U.S. Treasury.

Now, I was proud to join a bipartisan group of my colleagues to bring renewal of The Bank to the floor today and to cast a vote in favor of the bill's passage.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DESANTIS).

Mr. DESANTIS. Mr. Speaker, Ronald Reagan once said the closest thing to eternal life on Earth is a government bureau.

How rare is it that we actually reduce government around here? Yet here we are debating resurrecting a defunct agency that has already gone out to pasture.

Now, my friends on the other side of the aisle are central planners. They believe in the type of politicized economy for which the Ex-Im Bank has become a poster child. So they are actually being consistent in their position.

What I can't understand is how Members who preach limited government are willing to turn over the floor of the House to the minority party for the purpose of rechartering a bank whose authority has lapsed.

If we simply did nothing, we would have less government. Taxpayers would face less exposure. There would be less corruption. And the economy would be less politicized.

So, by all means, vote how you want. Please, if you support resurrecting this agency, just spare us all the notion that you are actually here to reduce the size and scope of government.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker and Members of the House, with all the gridlock and all the partisanship and inability of this Congress to fix things and get things done, we are looking at a great opportunity here where Democrats and Republicans have come together to fix things.

The simple truth is that this Ex-Im Bank doesn't cost the taxpayers a penny. It creates tens of thousands of jobs all across the country, and it yields a $7 billion profit for deficit reduction in this country. Life should be so good if we had a few more agencies like that. We are doing such great work for the American people.

Let's reauthorize the Ex-Im Bank.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Oversight and Investigations Subcommittee of the Committee on Financial Services.

Mr. DUFFY. Mr. Speaker, I want to quickly address my good friend from Minnesota's comments that this Ex-Im Bank doesn't cost any money. The truth is it does. We bailed it out to the tune of $3 billion in the 1980s.

That same argument was made that Fannie and Freddie don't cost the taxpayers any money. Well, it doesn't cost taxpayers money until it does. It is a government backstop. It is a government guarantee.

You see how hard it is: when you are going to take away a government subsidy, man, do businesses fight like you know what to make sure you can't take it away. They love their subsidies, and they will lobby and they will work to make sure to get what they think is theirs.

I tell you, I am tired when I hear some of those Presidential candidates talk about cronyism and those who look out for corporate welfare and they try to point their finger to this side of the aisle.

If you open your ears and listen to this debate, ask yourself: Who is fighting for corporate welfare? Who is fighting to make sure that you have a guarantee in the Ex-Im Bank that supports 80 percent of the dollars to big, massive American businesses? It is Democrats. Democrats partner Big Government with Big Business, and that is what is happening right here.

Picking winners and losers, the story of Delta: Delta has to compete with airplanes that are subsidized in foreign markets by the American taxpayer. They can't compete. So we picked Boeing jobs over Delta jobs? Who are we in this institution to say what job is better?

Let's let the market work. Let's not be the ones that come in and dictate what works and what doesn't.

To think that we are going to set up a system that the Democrats—my friends will say this is about all American jobs. But it is only about American jobs if it meets our political criteria in that if you are dealing with carbon and I don't like carbon and if you are a carbon job, the Bank won't support those who are involved in a carbon export. That is wrong.

Let's stand together. Let's work together. Let's fight for the American taxpayer and take away this government subsidy.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished leader who has been a steadfast advocate on behalf of the interests of American workers and who has made reauthorization of the Ex-Im Bank a top priority.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the reauthorization of the Ex-Im Bank.

As a former ranking member on the State, Foreign Operations, and Related Programs Subcommittee of the Committee on Appropriations, I saw on a regular basis how important this was to our economy and to small businesses in America.

So here today we are coming to the floor in a bipartisan way to create good-paying jobs. How many good-paying jobs? 1.5 million since the year 2007.

We are here to reduce the deficit. How much are we reducing the deficit? In the past two decades, $7 billion in money has come in to reduce the deficit.

So we are creating good-paying jobs, reducing the deficit, fueling our economy, and we are respecting the entrepreneurship and the optimism of small- and moderate-sized businesses across the country.

Yes, there are some big businesses that benefit, but most of them have subcontractors that need the work of the Ex-Im Bank.

So when we talk about making it in America, I want to recognize the great leadership of our whip, Mr. HOYER. Make it in America, this is what this is about. Make it in America so that people can make it in America but that, also, we can find markets abroad for our products made in America.

Thank you, Mr. HOYER, for your leadership on that and on the reauthorization of the Ex-Im Bank. Because of all of that work, the term ''Made in America,'' that label continues to have the great prestige and quality that we have always known it to have.

I want to salute Mr. DENNY HECK. He is just remarkable. In 24 hours, he had 187 cosponsors of his bill earlier this year. That is so remarkable. Then in a short time after that, he had even more. Thank you for all the work that you have done to bring us to today.

To the Republicans who are supporting this, to Mr. FINCHER, thank you for your leadership and your courage to give us this opportunity today.

I want to thank MAXINE WATERS. This has been a long haul, as many of you know. Over that period of time, for one reason or another, there were not hearings in the committee of jurisdiction that could focus on the advantages of the Ex-Im Bank. So she had roundtable after roundtable, bringing in experts on what this meant to our economy, listening to the public, hearing from small businesses about what this meant to them.

Who would have ever thought that MAXINE WATERS, the ranking member on the Financial Services Committee, would be the champion for big-, moderate-, and small-sized businesses in our company? We would have thought it, and now the world knows.

So, MAXINE, thank you for your perseverance. You really did such a wonderful job keeping this issue alive. I recognize the great leadership we have at the Ex-Im Bank with Mr. Hochberg and the others who were there, the other hardworking people who are there who know about markets.

This is important because many banks that small businesses might go to for a loan or loan guarantees, they are not used to dealing with markets abroad and that is why this is such an important link between entrepreneurship, creativity, innovation in our country, and how to expand markets for all of that throughout the world.

So I am really happy. Congratulations to the House of Representatives. Today, we are creating good-paying jobs. We are reducing the deficit. We are honoring entrepreneurship, and we are doing it in a bipartisan way.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gentleman from Texas has 8½ minutes remaining, and the gentlewoman from California has 13 minutes remaining.

Mr. HENSARLING. I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Whip HOYER has a long record of advocating on behalf of our Nation's exporters and their workers. With his leadership, we are here today on the verge of finally passing legislation to reopen the Ex-Im Bank.

Mr. HOYER. Mr. Speaker, I listen to this welfare-state rhetoric. The American public ought to know that 147 Republicans voted to reauthorize the Export-Import Bank just a few years ago under the leadership of Mr. Cantor and myself.

It was not until the ideological—how do I say what has happened in the House of Representatives—when we retreated from bipartisanship and working together, we retreated from pragmatism and we repaired to ideological hideboundness. Those are pretty tough words, I understand that.

You have 147 Republicans and every Democrat, 330 Members of the House of Representatives, voting to reauthorize this bill just a few years ago. This rhetoric that I hear now that somehow this is selling out to the welfare state is a little difficult for me to believe.

I know it has become an issue for some hardline groups, and this is not just for big business or medium business or small business. This is for American jobs, the little people.

Do big people provide jobs for little people? Yes, they do. Do we want that done? Yes, we do. Should we, therefore, be competitive with the rest of the world who offers subsidies so their corporations, so their medium-sized businesses, so their small businesses can create jobs for people?

Mr. Speaker, 330 of us voted to reauthorize this just 3 years ago, but we have had some immaculate awareness that this is somehow preening to the welfare state.

Let us come together as practical people with common sense who want to be competitive with the rest of the world. Let's pass this bill. The House is for it. The majority is for it. It has been bottled up, which has not allowed the majority to work its will.

Today, through the courage of Mr. LUCAS, Mr. FINCHER, and others, the majority will work its will. Isn't that wonderful.

I urge my colleagues to support this bill.

Mr. HENSARLING. I reserve the balance of my time.

Ms. MAXINE WATERS of California. I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, the U.S. Export-Import Bank means jobs in the United States of America. From 2007 to 2015, in Ohio, it supported 363 exporters, 263 small businesses, and more than $3 billion in value of Ohio exports. Superior Holdings, First Solar, Port Clinton Manufacturing, A.J. Rose Manufacturing, and so many other Ohio companies want to export. They require Ex-Im to do so.

Frankly, in today's world markets, no serious nation can compete without the Export-Import Bank. More than 50 countries have an Export-Import Bank: China, Japan, Germany, India, Korea, France, Brazil, and other competitors.

I support reauthorizing the Ex-Im Bank. It means jobs, and it means business for the USA.

□ 1545

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, one of America's greatest promises is the promise that, if you work hard and play fair, your opportunities are endless. Thousands of business owners throughout this country have lived by this mantra and sought new opportunities abroad.

When Congress allowed the charter of the Export-Import Bank to expire over

the summer, we took away an important tool for American business owners and their employees. They depend upon it. This is about jobs.

Many small companies throughout my region and in my district have relied on Ex-Im Bank. I will name one: Number 9 Hay in a small town called Ellensburg in eastern Washington. A hay company in Ellensburg, Washington, with the support of Ex-Im Bank, was able to expand its business, hire employees, and sell in foreign markets. Otherwise not.

This story is a story of success, of jobs for the small hardworking businesses of America that create 85 percent of our jobs. If we don't act, businesses of all sizes and the people they employ will be threatened.

I support this measure.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 9½ minutes remaining. The gentleman from Texas has 8½ minutes remaining.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MACARTHUR).

Mr. MACARTHUR. Mr. Speaker, before I came here, I spent 30 years in the private sector and built a business from about 100-odd people to today about 6,000. I learned that you need capital to grow a business. The Ex-Im Bank provides just that.

Now, if the private sector could provide that, well, this would be a different discussion, but the private sector doesn't. The Ex-Im Bank provides a necessary resource for companies doing business overseas. In fact, I have had lenders tell me they will not loan if the Ex-Im Bank is not already involved.

The Ex-Im Bank supported $27.5 billion worth of U.S. exports last year and 164,000 jobs. To not reauthorize it is to be shortsighted. I urge my colleagues to remember this is a Republican bill. It deserves our support.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise today in support of the reauthorization of the Ex-Im Bank. The Ex-Im Bank is a critical resource for Rhode Island manufacturers looking to expand into new markets.

Over the last 8 years, the Ex-Im Bank has provided more than $20 million to Rhode Island companies for insured shipments, guaranteed credit, and disbursed loans.

I am pleased that, after 4 months of inaction, the House is finally voting to reauthorize this critical institution. I thank my colleagues for their support.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I certainly rise in support of this legislation that would reauthorize the Export-Import Bank. In my district alone, the Bank's activities have supported thousands of jobs and over $600 million in export sales.

The financing provided by the Ex-Im has provided critical support to a wide array of industries in Pennsylvania, ensuring that products ranging from major energy components to help LNG exports, to locomotives, to cement equipment, to computers, to electronics, to aircraft are able to continue to be manufactured by Pennsylvania workers.

Developing countries, as we know, don't have very well formed capital markets, and they need this financing to help them buy American products. As our sole credit agency, the Bank provides the security U.S. firms need to access burgeoning markets. It strengthens our trade balance, and it helps to sustain our global market share. It does all this while still returning money back to the U.S. Treasury.

Importantly, this bill incorporates essential reforms that will significantly improve the Bank's risk management and transparency and provide our small businesses with an even greater share of lending support.

For those who talk about Ex-Im Bank creating winners and losers, I would argue that, by letting the Bank's authority lapse, we have indeed created winners and losers. The losers are now American job creators. The winners are countries like China, Germany, France, Brazil, and the U.K. that continue to support their exporters and welcome the opportunity to increase their market share and domestic manufacturing base in the absence of U.S. competition.

Let's not unilaterally disarm our ability to assist our exporters. Let's show the American people that we continue to govern in a bipartisan and rational manner. Let's pass this bill.

Mr. Speaker, I urge we support this legislation.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY), another important member of the House Committee on Financial Services.

Mr. MULVANEY. Mr. Speaker, we have heard a lot of talk so far today about the Bank, about what the Bank does. We have heard a lot of talk about small business, a lot of talk about the Bank leveling the playing field, a lot of talk about the Bank being that lender of last resort when no one else will step into the breach to help American businesses. Supposedly, that is what this is all about.

That is not what this is about. We had a discussion in the committee earlier this year where I actually suggested amendments that would focus the Export-Import Bank on small business, that would allow the Export-Import Bank to expand its use as a lender of last resort, but that would limit the Bank to true uses to level the playing field, when we really were competing with export credit facilities overseas.

A representative of the United States Chamber of Commerce sat in our committee and said he would oppose every single one of those amendments. Small business is not what this is about. Leveling the playing field is not what this is about. Being a lender of last resort is not what this is about. This is about doing the bidding of the very, very large corporations that have a very, very large lobbying presence in Washington, D.C. That is what this is about. I am just surprised to see who is for it.

We had a chance to actually fix the Bank. No amendments were allowed today. We had a chance to actually focus on small business, a chance to focus on the Bank's role as a lender of last resort, a focus on what the Bank should be doing.

But we will miss that, Mr. Speaker, because we are doing the bidding of other folks. Vote as you will, but let's be honest about what this is and what this is not.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. FINCHER), my good friend, for his leadership on this bill.

Coming from Illinois' 10th Congressional District, we are the fourth largest manufacturing district in the Nation. The Export-Import Bank is a bank that does finance many small businesses. In fact, 86 percent of the loans that happen in Illinois' 10th Congressional District in the Export-Import Bank go to small businesses.

Yes, Boeing does utilize the Export-Import Bank, and they say, whenever a Boeing plane lands, 19,000 small businesses land with them. There is no question that we talk about jobs and the economy. I hear it constantly. I know my colleagues do all across this body because I have had the opportunity to talk to them. They are talking to their constituents. It is still about jobs and the economy and the uncertainty that is out there.

I had a conversation with a small-business owner who said, ''You know what? I can't go to my local community bank and get financing for a tractor that I want to send over to France or Germany.''

Consequently, if we don't reauthorize the Export-Import Bank, they are going to take those jobs and they are going to move them overseas. That is the last thing in the world we want, Mr. Speaker.

We want to talk about good, high-paying jobs right here at home. We want to talk about manufacturers that have the ability to be able to create products right here at home, create

more jobs right here at home, and send those products all over the world. The Export-Import Bank allows us to do that.

We need to level the playing field and not unilaterally disarm. I urge my colleagues to vote ''yes'' on the Export-Import Bank and ''yes'' to American jobs.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I am proud to give my support to this valiant effort to reauthorize the Ex-Im Bank in an effort that I believe puts first the best interests of American manufacturers, innovators, and entrepreneurs.

We had a vote this year on the TPA, the trade promotion authority. Many of my colleagues that are arguing against the Ex-Im Bank unapologetically stated their intent to give the President new, expansive authority to export U.S. jobs overseas, this amounting to millions of jobs sent overseas, all in the name of trade and globalization.

If you want to talk big business, I ask my friends that are against the Ex-Im Bank to look at that vote. Many of those in that contingent who voted for the trade promotion authority—and are going to vote for the big trade deal we have coming up—are now trying to say there is something inherently wrong with trying to underwrite U.S. exports through the Ex-Im Bank, although the vast majority of Bank loans support small business.

In my district alone, in eastern San Diego, you have nine companies—no Boeings, no GEs. Over 400 jobs, $60 million in exports, all underwritten by the Ex-Im Bank.

I have heard a lot of people quoting Ronald Reagan. Here is what he said about the Ex-Im Bank:

''Exports create and sustain jobs for millions of American workers and contribute to the growth and strength of the United States economy. The Export-Import Bank contributes in a significant way to our Nation's export sales.''

I urge my colleagues to support this effort.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I thank everybody on both sides of the aisle for their hard work in getting this very important thing done.

I flew to Ethiopia about 6 months ago, and I flew on a Boeing airliner—there is a lot of talk about Boeing here—but I didn't fly on an Airbus. What that represented to me was a lot of jobs that Boeing provides to people, but a lot of jobs in my district of small suppliers that supply to Boeing. I think that is something that has been lost in this whole debate.

There has been a lot of negativity, a lot of negative talk. I want to tell you about something positive, and that is the thousands of people who work in my district who don't have to worry about getting a pink slip tomorrow or the next day because they know that their manufacturing job is secure because of our future and our powerful ability to export around the globe.

While I know this has been a controversial process and I have respect for everybody on all sides of this issue, I would beg my colleagues, let's move forward in a bipartisan way. Let's reauthorize Ex-Im Bank, and let's go ahead and move ahead with the business of the American people.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds to quote President Ronald Reagan on March 23, 1985:

''Why won't the Congress stop its export subsidies to a handful of corporations which account for less than 2 percent of US exports?''

I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. COLLINS).

Mr. COLLINS of New York. Mr. Speaker, I rise today in strong support of the Export-Import Bank, which supports hundreds of thousands of American jobs, returns a profit to the United States Treasury, and ensures U.S. exporters can compete on a level playing field in the global market.

I came to Washington as a small-business owner, dedicated to expanding job opportunities for western New Yorkers. Unfortunately, due to misinformation and misguided outside interests, Bank opponents have shut down a government program that directly aids American jobs.

The Export-Import Bank supports thousands of jobs in western New York and numerous small businesses in the 27th Congressional District. These companies provide real jobs in western New York, good-paying jobs that will be lost if the Ex-Im Bank is not reauthorized soon.

The fact is exports drive job growth in the United States. When a company sells abroad, their employees, suppliers, and communities grow at home. Reauthorizing the Ex-Im Bank is vital for manufacturers of all sizes to grow and prosper in a competitive world economy. That is why I fully support reauthorizing the Ex-Im Bank and urge my colleagues to do the same.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from California has 2½ minutes remaining. The gentleman from Texas has 6¾ minutes remaining.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER), a member of the Committee on Financial Services.

I want to just take time to thank him and Representative LUCAS for their courage and their leadership in making this vote possible today.

□ 1600

Mr. FINCHER. Mr. Speaker, I thank the gentlewoman from California for yielding. A lot of times we don't see eye to eye, but we have a fair and spirited debate. This time we do, and I appreciate her willingness to support me in this effort.

We have talked a lot today about many different things, but I am going to end on the note of facts. And so many times in Washington, the facts get lost.

A few minutes ago, my colleague from Wisconsin, a friend of mine, one of my colleagues from Wisconsin, who probably will be the next Speaker of the House, stood up and, really, spoke against our efforts in trying to save the Export-Import Bank.

I was reminded of just a few years ago, of a couple of very serious votes that happened in the House: one was the automotive bailout, and one was TARP.

I have a quote from the gentleman from Wisconsin:

> The TARP vote was necessary in order to preserve this free enterprise system. If we fail to do the right thing, heaven help us.

Now, Mr. Speaker, let me say, none of us are perfect. I am a long way from perfect. You ask my wife and she will tell you.

But we are here to make the government work better, make it more accountable, make it smaller, and make sure the environment in the country is better for job creation and the job creators to create jobs. That is what the Export-Import Bank does.

The facts are, it doesn't cost the taxpayer a dime. The facts are, it returns money to the Treasury every year. The facts are, this is a Republican reform bill. We are fixing almost everything that has been—almost every problem that has been raised we are addressing in this reform bill.

Those are the facts, Mr. Speaker. Eighty years old; 60 other countries have them. This is about us being competitive all around the world and making sure that we keep American jobs here at home.

I urge my colleagues today, on both sides of the aisle, let's put American workers first. Let's make sure that we are working for the folks back home in our districts. Let's put these politics aside for today and put the country forward.

Ms. MAXINE WATERS of California. I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

We had a rather spirited debate here between those who believe the Ex-Im Bank is about economic development

and trade, and those who believe it is about corporate welfare, cronyism, and an unfair economy.

For those who claim that the Ex-Im Bank creates jobs, the Congressional Research Service would tend to beg to disagree and citing economists who say they largely rearrange jobs. We know for a fact they have rearranged jobs away from Delta because they have said they have lost jobs when the Ex-Im Bank subsidizes Air India.

Valero Refining, in my native Texas, has said they lose jobs in America when the Ex-Im Bank will subsidize a Turkish competitor.

Cliffs Natural Resources of Cleveland, Ohio, will say they lose jobs when the Ex-Im Bank subsidizes an Australian competitor, which has caused economist Donald Boudreaux to say, at best, the Ex-Im Bank creates jobs in export industries by destroying jobs in non-export industries.

How is that fair? How is that fair, Mr. Speaker?

We are told that the Ex-Im Bank makes money for the taxpayers. Well, yes, if you use special insider Washington accounting rules. But if you use fair value accounting, something that the rest of America has to use, the Congressional Budget Office says that it actually loses money, and in fact, it has received an actual bailout from the Federal taxpayers before.

We are told they help small business. And you know what? That is true in a number of cases. But yet two-thirds of the benefits go to Fortune 50 companies like Boeing, like GE. They are great companies with great people doing great things.

I just wonder why they have to receive taxpayer subsidies?

And 40 percent goes to benefit one company, Boeing; that is why it is affectionately called the ''Bank of Boeing.''

So I know it helps some small businesses, but other small businesses aren't too fond of the Ex-Im Bank.

We hear from the chairman of Michael Lewis Company in McCook, Illinois: ''Over the long run, Ex-Im subsidies for foreign carriers creates a tilted playing field that means fewer U.S. airlines jobs—which translates into economic pain for thousands of businesses like ours and our employees.''

That is the voice of small business.

Chris Rufer, founder of the Morning Star Company: ''When a company profits from the Bank's support, it pockets the money. If it defaults, taxpayers' pockets gets picked . . . it is private gain at the expense of public pain.''

That too, is the voice of small business.

We are told that as long as global competitors do this, well, we have to do it. I mean, that is an argument I hear from my children: everybody else is doing it, so we have to do it.

But the truth is, almost two-thirds of the Ex-Im Bank book has nothing to do with a countervailing duty. And almost 99 percent of all U.S. exports, Mr. Speaker, are financed without the Ex-Im Bank.

So we need to help our exporters. We need to help our small businesses. But the way we do that is through expanded trade. It is through fundamental tax reform that the National Association of Manufacturers has said is 50 percent of our competitive disadvantage.

Let's make a fairer, flatter, simpler Tax Code. Let's have regulatory reform with the REINS Act. Let's pass the Keystone pipeline and drive energy prices down and become more competitive that way.

So the arguments of those who propose to support the Ex-Im Bank—and these are good people, and I know they believe in their hearts and heads in what they are doing. But I don't think their arguments bear scrutiny. They don't stand up to the light of day because the true face of the Ex-Im Bank is about cronyism. It is about misplaced priorities. It is about foreign aid. It is about corruption.

Again, this is a bank that benefits a handful of Fortune 50 companies that lobby and lobby well. Now, I would defend their First Amendment right to do it. I just wish they would lobby for more competition and more freedom and not subsidy and special privilege.

We know that so much of this support, Mr. Speaker, ends up in countries like China and Russia. We asked the chairman of the Export-Import Bank: So we are supposed to compete with China by subsidizing China?

And, Mr. Speaker, you know what his answer was? Well, it is complicated.

No, Mr. Speaker, it is not complicated; it is stupid. It is stupid for us to subsidize China in the thought that somehow we are going to compete with China.

Almost $1 billion to the Democratic Republic of the Congo, which Freedom House says is the third worst human rights offender in the world.

The cronyism, money to Solyndra, money to Enron, $33 million to a Spanish green energy company that Bill Richardson, former Energy Secretary, sat on the advisory board of the Ex-Im Bank and then sat on the advisory board of the Spanish green energy company.

How cozy. The Fannie and Freddie business model.

Corruption, the last 6 years, 75 years total prison time, 90 criminal indictments, 49 criminal judgments. One employee just recently pleaded guilty to 19 counts of bribery.

Mr. Speaker, the genius of our system, the fairness of our system is about the free enterprise system. It is not about crony capitalism. Your success in America should depend upon how smart you work and how hard you work on Main Street, not who you know in Washington.

Crony capitalism is a threat to our free enterprise system. This is America. If you dream big dreams, if you play by the rules, you can make it on Main Street. But not in this Washington insider economy. And there is no better poster child of the Washington crony economy and corporate welfare than the Export-Import Bank.

So I have no doubt that an overwhelming number of Democrats are going to support the reauthorization of the Export-Import Bank. They are always happy to allocate credit and our economy as part of a political process. They are always happy to subsidize corporate America, as long as they can also regulate and control it. But that is not fair to the people on Main Street.

It is the free enterprise system which is fair. It is the free enterprise system which is moral. It is the free enterprise system which is based on merit. It is the free enterprise system which is empowering to people. It is the only economic system that frees ordinary people to achieve extraordinary results.

So, Mr. Speaker, that is what this debate is all about. It is about a fair economy for everybody in America: those who can't afford the high-priced lobbyist in Washington, D.C., and those who want to work hard and play by the rules.

It is time for us to say ''no'' to crony capitalism, say ''yes'' to free enterprise, say ''yes'' to a fair economy, and reject the Export-Import Bank.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 450, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. NORTON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. NORTON. I am.

Mr. HENSARLING. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Norton moves to recommit the bill H.R. 597 to the Committee on Financial Services.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of the point of order is withdrawn.

Mr. LUCAS. Mr. Speaker, I wish to claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. Does the gentleman from Texas seek recognition?

Mr. HENSARLING. Yes, I wish to seek time in opposition.

POINT OF ORDER

Mr. LUCAS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from Oklahoma will state his point of order.

Mr. LUCAS. Mr. Speaker, in order to seek time in opposition, wouldn't the gentleman or gentlewoman have to be opposed to the motion to recommit?

The SPEAKER pro tempore. Time in opposition is reserved for an opponent.

Mr. LUCAS. So, Mr. Speaker, would it be in order to reaffirm that whoever ultimately claims the time is, indeed, in opposition to the motion to recommit?

The SPEAKER pro tempore. The Chair would ascertain that before granting recognition.

Does the gentleman from Texas seek recognition in opposition to the motion to recommit?

Mr. HENSARLING. Yes, I have sought time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, if the gentleman from Oklahoma, another valuable member of the House Financial Services Committee, who I know we are on opposite sides of this issue, if the gentleman would like time to speak, I would be happy to yield to the gentleman.

Mr. LUCAS. Will the gentleman yield for a brief response?

Mr. HENSARLING. I yield to the gentleman from Oklahoma.

Mr. LUCAS. Mr. Chairman, I very much appreciate the opportunity to respond. I think that probably it is better that you finish the discussion.

Mr. HENSARLING. Okay. The gentleman declines.

The SPEAKER pro tempore. Does the gentleman wish to yield back?

PARLIAMENTARY INQUIRIES

Mr. MULVANEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from South Carolina?

Mr. HENSARLING. Yes, I yield to the gentleman from South Carolina for his parliamentary inquiry.

Mr. MULVANEY. If this is not dilatory, what is the effect of passing this motion to recommit?

I so often hear the preface, ''This doesn't send it back to committee; it doesn't kill the bill.''

The SPEAKER pro tempore. If adopted, the motion would recommit the bill back to committee.

Mr. MULVANEY. So passing this motion to recommit would send this bill back to committee?

The SPEAKER pro tempore. That is correct.

Mr. MULVANEY. For how long?

The SPEAKER pro tempore. The motion does not put a time limit on the committee to consider the bill.

□ 1615

Mr. MULVANEY. Fair enough.

Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MULVANEY. Does the person offering this motion represent to this body that they are in favor of this motion in order to qualify?

The SPEAKER pro tempore. The gentlewoman qualified by stating her opposition to the bill.

Mr. MULVANEY. Fair enough.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas may continue.

Mr. HENSARLING. Again, Mr. Speaker, I would say we are having a debate on the underlying bill that has been vigorously debated on both sides.

The motion to recommit, if people are genuinely interested in looking for an opportunity for an amendment process that was denied as the discharge petition came to the floor.

I have served under many committee chairmen on the Financial Services Committee. I have never known one to bring a bill through committee that was not supported by a majority of their members, and I did not bring this bill because it was not supported by a majority of Republican members.

I understand the ability to use this discharge petition; and if people are looking for opportunities to amend, I wish it would have been done in the discharge petition.

But if it is the will of the House to send this to committee, the committee has had three different hearings on the Ex-Im Bank already—a couple of them in conjunction with the Oversight and Government Reform Committee—and I would be happy to have even more hearings on the subject and listen to the new points that have been brought about by this debate.

I yield to the gentleman from South Carolina (Mr. MULVANEY).

PARLIAMENTARY INQUIRY

Mr. MULVANEY. Mr. Speaker, I rise for the purpose of making another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MULVANEY. The reason I am confused is, I do so often hear that introduction, the MTRs won't kill; it won't send it to committee; it will proceed immediately forthwith to the House for a vote.

So here is my question on a parliamentary inquiry basis. If the MTR is passed, I understand from your previous ruling that the bill goes back to committee. Is it amendable in committee? Or does it immediately return forthwith to the House for a vote?

The SPEAKER pro tempore. The bill would return to the committee for its consideration.

Mr. MULVANEY. And the committee has full control over that piece of legislation?

The SPEAKER pro tempore. The committee would have the bill before it again.

Mr. HENSARLING. Mr. Speaker, again, I appreciate the gentleman from South Carolina making his parliamentary inquiries. I think it has helped clarify the matter.

At this point, if it is the will of the House to send this back to committee, I look forward to the vote and would be very happy to reconsider this in committee.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Ms. MAXINE WATERS of California. Mr. Speaker, parliamentary inquiry.

I wish the Chair would clarify that there will be a vote taken on the motion to recommit and that, should that fail, this will not go back to the committee under any circumstances. Is that correct?

The SPEAKER pro tempore. If the motion is not adopted, the bill will not return to committee.

Ms. MAXINE WATERS of California. Well, if I may, you just said what I said in reverse. And I just wanted it to be clear.

As the chairman of the committee tried to state that he would be willing to hold hearings and do what he has not done as we have tried to consider this, that if, in fact, this body does not support it going back to committee, he has no opportunity to try to do what he has not done in the process. Is that correct?

The SPEAKER pro tempore. If the motion is not adopted, the Chair plans to proceed. The next step would be the question of passage of the bill.

Ms. MAXINE WATERS of California. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the previous question is on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, further proceedings on this question will be postponed.

VACATING DEMAND FOR YEAS AND NAYS ON MOTION TO RECOMMIT

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent to withdraw my request for the yeas and nays on the motion to recommit to the end that the motion stand disposed of by the voice vote thereon.

The SPEAKER pro tempore. Without objection, the ordering of the yeas and nays is vacated, and pursuant to the earlier vote by voice, the motion is not adopted.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MAXINE WATERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PARLIAMENTARY INQUIRY

Mr. HENSARLING. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Since I withdrew the request for the yeas and nays on the motion to recommit, then would it be possible for the ranking member, the gentlewoman from California, to withdraw her request for the yeas and nays on the underlying bill, should she so choose?

Ms. MAXINE WATERS of California. Mr. Speaker, that is wishful thinking on the part of the chairman. I will not.

RETAIL INVESTOR PROTECTION ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 491, I call up the bill (H.R. 1090) to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 491, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–31 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Retail Investor Protection Act''.

SEC. 2. STAY ON RULES DEFINING CERTAIN FIDUCIARIES.

After the date of enactment of this Act, the Secretary of Labor shall not prescribe any regulation under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) defining the circumstances under which an individual is considered a fiduciary until the date that is 60 days after the Securities and Exchange Commission issues a final rule relating to standards of conduct for brokers and dealers pursuant to the second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)).

SEC. 3. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

The second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)), as added by section 913(g)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.), is amended by adding at the end the following:

''(3) REQUIREMENTS PRIOR TO RULEMAKING.—The Commission shall not promulgate a rule pursuant to paragraph (1) before—

''(A) providing a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing whether—

''(i) retail investors (and such other customers as the Commission may provide) are being harmed due to brokers or dealers operating under different standards of conduct than those that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11);

''(ii) alternative remedies will reduce any confusion or harm to retail investors due to brokers or dealers operating under different standards of conduct than those standards that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11), including—

''(I) simplifying the titles used by brokers, dealers, and investment advisers; and

''(II) enhancing disclosure surrounding the different standards of conduct currently applicable to brokers, dealers, and investment advisers;

''(iii) the adoption of a uniform fiduciary standard of conduct for brokers, dealers, and investment advisors would adversely impact the commissions of brokers and dealers, the availability of proprietary products offered by brokers and dealers, and the ability of brokers and dealers to engage in principal transactions with customers; and

''(iv) the adoption of a uniform fiduciary standard of conduct for brokers or dealers and investment advisors would adversely impact retail investor access to personalized and cost-effective investment advice, recommendations about securities, or the availability of such advice and recommendations.

''(4) ECONOMIC ANALYSIS.—The Commission's conclusions contained in the report described in paragraph (3) shall be supported by economic analysis.

''(5) REQUIREMENTS FOR PROMULGATING A RULE.—The Commission shall publish in the Federal Register alongside the rule promulgated pursuant to paragraph (1) formal findings that such rule would reduce confusion or harm to retail customers (and such other customers as the Commission may by rule provide) due to different standards of conduct applicable to brokers, dealers, and investment advisors.

''(6) REQUIREMENTS UNDER INVESTMENT ADVISERS ACT OF 1940.—In proposing rules under paragraph (1) for brokers or dealers, the Commission shall consider the differences in the registration, supervision, and examination requirements applicable to brokers, dealers, and investment advisors.''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 114–313, if offered by the gentleman from Massachusetts (Mr. LYNCH), or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume simply to say, Mr. Speaker, at one time this administration told us, if you liked your doctor, you could keep them. Now this same administration is telling us, if you like your financial adviser, you can keep them. The first promise was broken, and now they are in the process of breaking the second promise due to something called the Department of Labor fiduciary rule.

It will take away investment advice from hundreds of thousands, if not millions of low- and moderate-income people all around the Nation who rely upon this advice to save for retirement. This is something that should be considered by the Securities and Exchange Commission, and there has been outstanding work by the gentlewoman from Missouri (Mrs. WAGNER) who has been at the forefront of protecting retail investors, the small moms and pops planning for their retirement.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. WAGNER).

□ 1630

Mrs. WAGNER. I would like to thank Chairman HENSARLING and Subcommittee Chair GARRETT for their support on this tremendous issue.

Mr. Speaker, today I am pleased to stand before the House as the sponsor of H.R. 1090, the Retail Investor Protection Act. This important legislation that I have sponsored and worked on for 3 long years now came about after my colleagues on the Financial Services Committee and I, along with Member of Congress on both sides of the aisle saw the potential negative effects that this rulemaking from the Department of Labor could have on millions of Americans seeking advice on how to invest their retirement savings.

For that reason, we felt it was important to put the Securities and Exchange Commission—the primary and expert regulator for these financial professionals—in charge of studying and writing the rules on this issue. This isn't such a radical idea. In fact, this is what Congress intended when they included section 913 in the Dodd-Frank financial reform bill.

Mr. Speaker, the same legislation received the support of 30 House Democrats last Congress, and, once again, I hope that they heed the concerns and the warnings that their constituents have provided them about the dire consequences this rule will have on Americans' retirement savings.

Make no mistake. There is a savings crisis in this country. About half of all households age 55 and over have no retirement savings at all. How does this happen?

Unfortunately, for many people, like that single mother of two who gets paid on the 15th and 30th of each

month, there is just too much month at the end of the money after paying for mortgages, groceries, medical bills, and other expenses, and saving for retirement ultimately gets pushed off until the next month and the next month and so on.

For many American households, a trusted financial adviser is the key link to helping them see the benefits in saving early and helping them realize how to save and grow their investment. The vast majority of those financial professionals already provide advice and recommendations that are in the best interest—the best interest—of their clients.

Unfortunately, this rulemaking from the Department of Labor could potentially cut access, limit choice, and raise costs for that kind of financial advice, putting the goal of retirement even further out of reach.

The Department of Labor states that this rule simply would require financial advisers to act in the best interests of their customers. Well, who would argue with that? Unfortunately, when you start to get into the over 1,000 pages of regulatory text with the exemptions and addendums, it becomes clear that it isn't quite that simple.

The increased compliance burdens and further legal liability that will be required under this regulation will make it very difficult for many brokers to continue servicing small accounts, which predominantly belong to low- and middle-income Americans who are just starting to save and haven't built up their retirement nest egg.

Mr. Speaker, 98 percent of all IRAs with less than $25,000 are in a brokerage relationship today. For that reason, this rule will actually hurt the very people that it aims to protect. We must not play politics with their retirement savings, and that is what this administration is doing.

We have already seen this happen in the United Kingdom. They enacted a similar regulation in 2013, and we have seen since then over 300,000 clients dropped by their financial advisers because their account balances were too small.

Now the U.K. Government is launching an investigation into the ''advice gap'' that exists for those people who do not have significant wealth. With this regulation from the Department of Labor, the same thing will happen here in the United States of America where there will be two different classes of investors, those who can afford financial advice and those who cannot.

Mr. Speaker, this is not a Wall Street issue. This is as Main Street as it gets. Washington should not be making it more difficult for Americans to save for retirement. Instead, we need to empower people to earn more and save more and have choices for where to get their help in making their financial decisions. Unfortunately, the Department of Labor is following along with everything else we have seen under the Obama administration, a top-down, Washington-knows-best-for-you government, whether it is what you see in your health care that you need, the food that you can eat, and now whom you can talk to for the financial advice for your retirement savings.

According to President Obama, Senator ELIZABETH WARREN, and now even Secretary Hillary Clinton—who are all big supporters of this DOL fiduciary rule—the only person whom you actually need to be protected from ultimately is yourself. I strongly disagree. I give the American people a lot more credit than that, and I refuse to stand by and let this administration advance another onerous regulation that ultimately takes your freedoms, makes decisions for you, and brings us closer to a government-planned life.

Mr. Speaker, I strongly support H.R. 1090, the Retail Investor Protection Act, and I urge its passage.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1090 would halt the Department of Labor's ongoing efforts to protect American retirement savers from investment advice that conflicts with their best interests.

The bill would prohibit the Department from promulgating any rule on the issue until 60 days after the Securities and Exchange Commission finalizes its own fiduciary rule for investment advisers and broker dealers.

The bill would then delay the SEC's long overdue rulemaking by requiring the Commission to first report to Congress a separate economic analysis that, among other things, considers how a new standard would affect a broker's profit.

These delays are unacceptable and ignore the real issue that the Department is trying to address: conflicted retirement investment advice that costs our Nation's workers and retirees an estimated $17 billion a year.

The Department's rulemaking would do so by requiring persons providing retirement advice to put the interests of their clients ahead of their own and abide by a fiduciary duty, the same duty that we expect from our doctors, lawyers, and trustees.

Simply put, a financial adviser should not be paid more for recommending one product over another, but should abide by a fiduciary standard of care. Would you be comfortable if your doctor was paid more for an office visit for recommending one drug over another or for a lawyer to be paid more for interpreting the law one way or the other? No, of course not. Yet, we allow these same conflicts to exist with those that are providing millions of hardworking Americans with advice on their retirement savings.

These conflicts encourage investors to, for example, push a 70-year-old retiree to invest more of her savings in a stock fund rather than a less risky short-term bond fund simply because the adviser receives 150 percent more for making the riskier recommendation.

Such a commonsense update in the law to address these conflicts is long overdue and, indeed, at the Department, is over 5 years in the making. During that time, the Department has published an initial 2010 proposal, solicited feedback, held public hearings on that proposal, and issued even a reproposal this past spring.

Since that reproposal was published, the public and interested stakeholders have had 164 days of public comment, 4 full days of multi-panel public hearings, and ample opportunity to meet with the Department, which held over 100 meetings with interested stakeholders, not including meetings with Members of Congress.

Thanks to the Department's diligence and willingness to listen to stakeholder concerns, the proposal now enjoys broad support, including support from 95 financial services groups, public interest, civil rights, and consumer organizations, labor unions, and many investment advisers who are already providing advice to savers under a fiduciary standard. These groups range from the AARP, Public Citizen, the Consumer Federation of America, to the Financial Planning Coalition, among many others.

All this points to the Department's tangible efforts to take a balanced, measured approach to developing a rule that works. I fully support their efforts to continue to work towards its completion not only because it is necessary, but because it just makes common sense.

What is more, the need to update the law quickly is urgent. Hardworking Americans lose an estimated $17 billion per year—or $47 million per day—to conflicted retirement investment advice.

While we should clearly encourage the Securities and Exchange Commission to also update its own rules on investment advice over securities, we should not make retirement savers wait any longer for protection by hinging the DOL's rulemaking to the SEC's, as H.R. 1090 would do.

Mr. Speaker, I support the Labor Department's efforts to finalize a rule and urge my colleagues to vote ''no'' on H.R. 1090.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the distinguished chairman of our Capital Markets and Government Sponsored Enterprises Subcommittee.

Mr. GARRETT. Mr. Speaker, I thank the chairman.

I thank Mrs. WAGNER as well.

As you know, Mr. Speaker, the Department of Labor's fiduciary rule is built upon faulty assumptions, faulty analysis, and faulty understanding basically of how the retirement system actually works in this country. It is really consistent with other policies of this administration.

This rule will have a disparate impact and a negative impact upon middle class Americans and minorities in

this country, many of whom will find it difficult, if not impossible, to receive guidance from a financial professional for their retirement.

This is not me saying this. The Department of Labor's own analysis shows that investors who do not work with a professional will risk making mistakes that cost them up to $100 billion.

So today, Mr. Speaker, Congress has an opportunity to stand up on behalf of struggling American families and support this legislation.

We have proof to show that this legislation really is necessary because we had folks coming to Washington to testify about it who supported the DOL rule. They said do not worry. They said that, if the traditional brokerage firms can't live with a simple fiduciary standard and refuse to serve modest savers, so be it. Other financial professionals such as them on and off the Web who embrace the client-first approach stand ready to help Americans prepare for a secure retirement. Well, that was Rebalance IRA.

Someone went to that company, a modest American, and said, ''Will you service us?'' This was their response: ''If you have scheduled a call with us, I want you to be aware that, as much as we would enjoy discussing your retirement goals, until you have at least $100,000 in a retirement account, our service at this time is not really the best solution for you. Our fees will absorb too much of your investment return, which runs counter to our mandate to help you to retire.''

So, Mr. Speaker, the very same people who say the system will work under the DOL guidelines prove that, when people of modest means—Americans who are simply trying to scrape by each week and each month and put a little bit away—will not have that investment advice which their very own Department of Labor says is necessary to get by and to fulfill the American Dream.

The Retail Investor Protection Act will restore regulation to the market to where it belongs: with the SEC. It will prevent the Department of Labor from worsening the retirement savings crisis that our country is facing. I say support the American Dream. Support this legislation.

Ms. MAXINE WATERS of California. I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE), the ranking member of the Monetary Policy and Trade Subcommittee on the Financial Services Committee.

Ms. MOORE. I thank you so much, Madam Ranking Member.

Mr. Speaker, I rise in opposition to H.R. 1090. I must say to Representative WAGNER she is correct when she says that there were 30 Democrats—I am one of them—who supported similar legislation, but that was before the Department of Labor reproposed the conflict of interest rules, gave us sort of an unprecedented 164-day comment period during the reproposal, and they withdrew the original 2010 proposal and put forward the reproposed rule in 2015, 5 years. As we discussed it, they have committed to making considerable improvements.

Now, the SEC has yet to begin the process of a related rulemaking 5 years after the Department of Labor began the process, and they have made it really clear that they don't think they will get to it.

I do want to point out—since I have 3 whole minutes here—that it has been very difficult to get the majority party to agree to providing the SEC with the needed resources that would, in fact, enable them to undertake the work that the Department of Labor has already put forward on this. So I don't think we should wait until after the SEC acts to issue a rule. And this legislation before us would only delay these important consumer protections.

The Department of Labor has received a lot of feedback, especially from me. Mr. Speaker, I have been extremely vocal in highlighting areas, some of them which you have heard on the other side mentioned here today—very vocal on the reproposed rule where I think it needs to be improved and, in fact, led a letter to the Department of Labor with 96 Democratic colleagues signing on to that letter.

□ 1645

However, I do think that the time is now for Congress to partner with the DOL, with industry, and with retirement savers toward the best possible final rule to encourage and protect retirement savings.

Now, I want to mention that the overwhelming majority of advisers are good people with their clients' best interest at heart. In fact, no one in this debate is suggesting that we don't support policy which puts the best interest of the client first and foremost. But when financial advisers are unscrupulous, they have a devastating impact on retirement savers.

Further, when advisers are responding to skewed incentives that encourage conflicts and put clients in products, that may be okay for the client, but placement in these products are driven primarily by the adviser's bonus.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. MAXINE WATERS of California. I yield the gentlewoman an additional 30 seconds.

Ms. MOORE. The DOL rule that is being reproposed seeks to mitigate these conflicts of interest so that the best advisers in companies get clients and compensation based on the best interest and the outcomes for their clients.

I think that this is a backdoor approach to kill the rule, any rule, and it will leave gaping loopholes in Federal laws.

My advice to my colleagues is that we defeat this bill.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY), chairman of the Oversight and Investigations Subcommittee of the Financial Services Committee.

Mr. DUFFY. Mr. Speaker, we, before this debate, were having a debate on the Ex-Im Bank, and I made a point about my friends across the aisle standing up for big businesses, the cronyism between big government and Big Business. In this debate, they have a chance now to stand with small investors, the men and women around this country who put a little bit away every paycheck to hopefully have a little nest egg for their retirement, to stand with those people to make sure that when they get to their retirement, they have a nest egg that is worth something, and to make sure that those folks have advice along the way.

The way the Department of Labor rule is structured is that most Americans aren't going to be able to get advice from a financial adviser; they are going to be driven to a robo-adviser. What that means is they are going to have to go to a Web site, answer about 6 to 10 questions, and the Web site will pump out a generic investment suggestion for them. No personally tailored advice from a financial adviser.

That also has another effect. Think last month or 2 months ago in August when we had market movement. A lot of people get freaked out and they sell. But if you have an adviser, they say: Hold on. No, no, no, we have a long-term plan here. Don't sell, don't sell. Hold on. We are going to weather this storm together.

But is a robo-adviser, the text from the computer, going to calm your nerves so that you don't sell your portfolio? This doesn't work for the American people.

What the Department of Labor is doing is saying: If you are wealthy, if you have a lot of money, if you have a big nest egg, then you can get advice. But if you are poor or middle class, a middle-income American, you are not entitled to the same advice of the wealthy and the powerful.

I am mostly concerned about one other point here, is that if this rule goes into effect and less Americans save and have less return on their investment, when they get to their retirement years, they are going to be more reliant on the government. We want people less reliant. We want people to take more responsibility so they have a nest egg to fund their retirement years, pay for themselves. The way this is structured, you will have less people doing that and more people looking to the government for care. I guess that is a greater debate that we have in this institution: Do we want more people relying on the government?

I think the only conclusion I can draw with your support for this rule is, absolutely, yes. That is a wrong approach. We come from a long line of people who believe in self-reliance, in

taking care of ourselves and our family. This rule from the Department of Labor is bad. Let's fix it with this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets of the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the ranking member for yielding and for her leadership on this issue.

Mr. Speaker, I include in the RECORD over 95 investor protection and consumer protection groups who adamantly support the position of the Department of Labor rule that protects investors and consumers.

SAVE OUR RETIREMENT,
October 26, 2015.

OPPOSE H.R. 1090, THE MISNAMED ''RETAIL INVESTOR PROTECTION ACT''

DEAR REPRESENTATIVE We are writing as organizations that strongly support the Department of Labor's (DOL) efforts to strengthen protections for working families and retirees by requiring the financial professionals they turn to for retirement investment advice to act in their best interests. As such, we oppose H.R. 1090, the misnamed ''Retail Investor Protection Act,'' and urge you to vote NO when the bill is considered on the House floor.

H.R. 1090 is a clear attempt to thwart DOL action by making the Department wait for years and possibly indefinitely until after the Securities and Exchange Commission (SEC) finalizes a rule under securities laws—a process that the SEC has not yet initiated. And, to further delay action, the bill imposes on the SEC new requirements to engage in further economic analysis, beyond the extensive analysis it has already conducted, and make formal findings before promulgating a rule. By impeding DOL's efforts, this bill would in no way protect retail investors; instead, it would protect those financial professionals who take advantage of loopholes in the law to profit at their clients' expense.

This approach would effectively cripple DOL's ability to fulfill its unique and critical regulatory role under ERISA. When Congress enacted ERISA, it intentionally set a higher standard for protecting retirement assets than applies to other investments. There are good reasons to do so. Retirement assets are special, as evidenced by the fact that they are heavily subsidized by the government through the tax code. These tax subsidies should flow to individuals, not financial firms, and should not be depleted by conflicts of interest.

Retirement savers who are struggling to fund an independent and secure retirement need financial advice they can trust is in their best interest. Today, neither our securities regulations nor the rules under ERISA provide that assurance. Instead, both sets of regulations expose retirement savers to recommendations from conflicted advisers who are free to recommend products based on their own financial interests rather than those of their customers. The DOL proposal—which combines a best interest standard with meaningful restrictions on the practices that undermine that standard—offers significant progress toward addressing this problem. There is no reason to force the DOL to wait for the SEC, since only the DOL has the authority and expertise to close the loopholes in the ERISA rules.

DOL has succeeded in crafting a balanced rule that provides much needed new protections for retirement savers while providing the flexibility necessary to enable firms operating under a variety of business models to comply. While adjustments can and doubtless will be made to clarify and streamline certain of the rule's operational requirements, the rule's overall framework is sound. Contrary to the misinformation that has swirled around the DOL proposal, it actually will help, not hurt, small savers. They need the protections of the best interest standard more than any other workers and retirees, since they can least afford high fees and poor returns on their savings. And if some advisers really do pull back, there are plenty of advisers happy to provide affordable, best interest advice to clients at all income levels.

We can only hope that the SEC eventually will follow DOL's lead and craft a similarly strong and effective rule for non-retirement accounts. But in a nation that faces a retirement crisis, and with DOL ready to act, we cannot afford to wait. We therefore urge you to reject H.R. 1090—or any legislation that would stall, derail or interfere with the DOL rulemaking, which is proceeding under an appropriate deliberative process—and instead support DOL's efforts to finalize a rule based on the sound regulatory approach it has proposed.

Sincerely,

AARP, American Federation of State, County and Municipal Employees (AFSCME), Alliance for a Just Society, Alliance for Retired Americans, American Association for Justice, American Association of University Women, Americans for Financial Reform, Association of University Centers on Disabilities, Better Markets, Center for Community Change Action, Center for Global Policy Solutions, Center for Responsible Lending.

The Committee for the Fiduciary Standard, Consumer Action, Consumer Federation of America, Consumers Union, Fund Democracy, International Association of Machinists and Aerospace Workers, International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers Union, Leadership Conference on Civil and Human Rights, Lynn Turner, former chief accountant, SEC, Main Street Alliance.

Metal Trades Department, AFL–CIO, National Active and Retired Federal Employees Association (NARFE), National Council of LaRaza, National LGBTQ Task Force Action Fund, National Organization for Women, Pension Rights Center, Public Citizen, Public Investors Arbitration Bar Association, Service Employees International Union (SEIU), United Auto Workers, United Steelworkers, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), U.S. PIRG, Wider Opportunities for Women.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, the Department of Labor's fiduciary duty rule advances a very simple principle: If you are giving advice to retirement savers and you are being compensated for your advice, then you have to put your customers' interests first.

It is worth noting that most investors already think that this is the law, even though it isn't.

So the Department of Labor's rule is a much-needed update of the rules governing investment advice to retirement savers. I would say we have a particular responsibility as legislators to protect retirement savers, which is what the DOL rule does.

While the proposed rule is not perfect, no rule ever is. The Department has been incredibly responsive, very responsive to legitimate concerns that have been raised. They have been more than willing to engage with Congress and with industry and with investors to come up with better solutions.

But this bill before us would effectively stop the Department of Labor's rule in its tracks, which is the completely wrong thing to do if you want to protect investors.

This bill is also redundant, unnecessary, and really reflects a misunderstanding of the law.

One of the core principles of the Employee Retirement Income Security Act, or ERISA, was that investments made for the purpose of retirement security should enjoy special protections under the law. That is what this DOL rule does. This, by definition, means that the protections under ERISA are supposed to be different than the protections under ordinary securities laws. They should be more protective of the retirement investor.

As a result, the SEC and the Department of Labor have different responsibilities. When two agencies have different responsibilities, it is completely appropriate for them to move separately and even to write different rules.

This bill would also require the SEC to conduct yet another study—or I would call it a delay—on a uniform fiduciary standard for broker-dealers. We already required the SEC to conduct a study on this issue in Dodd-Frank, and the SEC staff's recommendation in that study was that the SEC should, in fact, adopt a uniform fiduciary standard for broker-dealers.

Requiring the SEC to conduct largely the same study that they already conducted in 2011—I believe they can move ahead with their own fiduciary rule—is pointless and shows that the true intent of the bill, the underlying bill, is to delay both the Department of Labor's rule and any future SEC rule which ultimately is there to protect the retirement saver and investor.

I urge my colleagues to oppose this bill, and I urge them to vote for investor protections and to protect consumers. I urge a very strong ''no'' vote.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), chairman of the House Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, I rise today in support of the Retail Investor Protection Act.

The Department of Labor's proposal here is going to harm the very working class Americans that the administration claims that it is supporting.

This is not hyperbole, this is not a hypothetical. I want to give you the real results of what happened in the United Kingdom when it enacted similar regulation in 2013. Here are the disastrous results: 310,000 clients were dropped; 60,000 new investors were rejected; an estimated 11 million potential savers were priced out of advice.

In the face of these facts, the Department of Labor continues to insist on

applying the failed philosophy of ''government knows best'' to retirement savings.

Mr. Speaker, I thank the gentlewoman from Missouri for her leadership on this, and I urge my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Education and the Workforce Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 1090, the so-called Retail Investor Protection Act.

This bill puts an effective end to the Department of Labor's responsible effort to modernize a fiduciary standard under the Employee Retirement Income Security Act, or ERISA, that was implemented 40 years ago.

As we all know, our country's retirement savings landscape has changed significantly since that time. Forty years ago, the majority of retirement assets were held in defined benefit plans and managed by professionals. Forty years ago, employer-based 401(k) plans did not exist and IRAs had just been established.

Today, Americans have more than $12 trillion invested in 401(k) plans and IRAs, and they have to make their own financial decisions. Many workers and their families don't have the expertise in managing investment portfolios and so they often have to rely on financial advisers to help them save for retirement.

While many of those advisers do right by their clients, others do not. There is a lot of different financial products that Americans can purchase. Some have extremely high fees, while comparable products—and perhaps even better ones—have lower fees. This current standard allows for unscrupulous advisers to give conflicted advice and push a financial product from which they will reap a bigger profit even if the product is not in the best interest of their client.

It is individuals with modest retirement savings—many of our constituents—who stand to lose the most from receiving conflicted advice. National Public Radio recently conducted a series that in part highlighted how Americans are losing billions of dollars every year out of their retirement accounts because they are paying excessive fees.

As a hypothetical example, NPR cited a person who invests $10,000 and that investment makes a 7 percent return every year. Over 40 years, that investment would be worth almost $150,000. But if you have invested in a fund that charges a 2-percent annual fee, now you have cut the return down from 7 percent down to 5 percent. Over 40 years, your investment would be worth about $70,000, not almost $150,000. That is, obviously, a big difference, and that is the kind of insidious erosion of retirement savings that the Department is working to end with their rule.

Since April, the Department of Labor has been engaged in this necessary rulemaking process. The Department has informed us that over that time, it provided the American public a total of 164 days to submit comments; they conducted 4 full days of public hearings; and convened over 100 meetings. That total doesn't account for meetings they have held with Members of Congress.

Now the Department is completing its work on the rule and is taking into account the thousands of comments it received. Here in Congress, we should just let them finish their job.

Millions of Americans rely on financial advisers for advice on how to protect their hard-earned retirement savings, and it is about time that we ensure that those Americans are provided advice consistent with their best interest, not with what would ultimately be in the best interest and profit for the adviser.

I, therefore, urge my colleagues to defeat this legislation.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN), a very important member of the House Financial Services Committee.

Mr. HULTGREN. Mr. Speaker, I thank the chairman.

Today, I rise in support of legislation that will protect hard-working Americans' access to retirement advice.

The Labor Department is aggressively pushing a flawed rule which might be a political win for the Obama administration but would come at the expense of Americans trying to save for retirement. This is why I cosponsored the Retail Investor Protection Act.

The administration claims the plan that they have put forward will help people trying to save for retirement. Instead, it would hurt many of them.

The Labor Department has proposed restricting retirement advice and reducing options for what financial instruments can be used to save for the future.

Most concerning, the regulatory costs would hit those who have had difficulty saving the hardest. One firm in my district with dozens of offices that serve more than 30,000 customers told me that they fear the Labor Department proposal will make it impossible to offer quality services to low- and middle-income customers.

□ 1700

Clearly, the administration has no concept of what these rules will mean for Main Street investors, and they have chosen to ignore the benefits provided by retirement advisers. My constituents tell me they save more because of the advice they get. Relatively simple advice, such as not making irrational decisions in volatile markets, is incredibly valuable, especially for less sophisticated investors. Furthermore, the Department's proposal mentions annuities 172 times, but the Regulatory Impact Analysis does not examine the impact on these financial products.

The Department of Labor is choosing to ignore Congress and the people it claims to protect. On July 29, I sent two separate letters to Secretary Perez. It has now been almost 3 months, and he has done nothing to address the concerns of my constituents.

There are now at least 51 of my colleagues, both Republicans and Democrats, who share my concerns that listed options would no longer be permissible in retirement accounts. The Labor Department claims that they are working closely with the SEC, but during a hearing last Friday, a key witness from the SEC could not provide me with one example of when the Labor Department had included any SEC input.

It is time for the administration to stop restricting where and how Americans choose to pursue financial stability and security. Vote ''yes.''

Ms. MAXINE WATERS of California. I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN), the ranking member of the Subcommittee on Oversight and Investigations on the Financial Services Committee.

Mr. AL GREEN of Texas. I thank the ranking member for her outstanding work and efforts in this area. The gentlewoman has truly been a champion for people—the very little people who some people have styled we are talking about today.

Mr. Speaker, the best way, without question, to get the SEC to act would be to allow the DOL to act. If the DOL is allowed to promulgate its rules, I guarantee you the SEC will move with an additional amount of deliberate speed.

Currently, the DOL is simply attempting to cause people who act as financial advisers to have fidelity to their clients above their own personal interests. What is so unusual about the concept is the person who is working for you having fidelity that benefits you as opposed to the person who is working for you.

Right now, as the laws exist, a person acting as a financial adviser can become a financial predatory adviser. Not all are. I am not accusing the industry of anything. I am just making a point about what can happen. When this happens, the person who is to give you advice—for a fee, I might add—can sell you a product for a higher fee and that has a higher risk as opposed to a similar product with a lower fee and that carries a lower risk. The higher fee is the temptation that will cause predatory financial advisers to manifest themselves and take actions against the best interests of the clients, who are paying them to represent them and benefit them.

We ought not allow this kind of action to be sanctioned by the Congress of the United States of America. What the President is attempting to do by and through the DOL is to simply say: If you are going to represent your client, you are going to put your interest beneath the client's interest. You will

subordinate your interest to your client's interest. You will not allow yourself to yield to the temptation to take a higher amount of money for yourself and put your client at a greater amount of risk.

That is all this rule is about.

Let's allow the rule to come into existence. If we want to debate it thereafter and amend it, we can. But let's not prevent it from ever manifesting itself by causing some to believe that the SEC will do what the DOL will not, because the evidence is not there to support the notion that we are going to get faster results from the SEC.

Finally, this: in a righteous world, we would be calling some of this activity fraud.

Mr. HENSARLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Kentucky (Mr. BARR), another valued member of the Financial Services Committee.

Mr. BARR. Mr. Speaker, I rise today in support of the Retail Investor Protection Act, legislation that will ensure investor access to personalized and cost-effective investment advice.

The Department of Labor's proposed fiduciary rule will make it more difficult for hard-working Americans to access financial advice and to save for retirement.

Time and again, I have heard from constituents throughout my central Kentucky district of how this massive, 1,000-page rule will negatively affect them: Private employers and not-for-profit organizations will no longer be able to bring in financial advisers to provide educational information about retirement plans to their employees. Investors with small accounts will no longer be able to receive advice for their 401(k) plans. Middle class investors will lose access to professional advice, and financial products like annuities will no longer be available. More and more Americans will be forced to seek information on the Internet or from robo-advisers.

Let's get this straight, Mr. Speaker. This rule will replace flesh and blood professional advisers with a computer. As one of my constituents said to me, if you think professional advice is expensive, wait until you see the cost of amateur advice. In short, the Department of Labor's rule will hurt the very people it is supposed to protect.

On July 29, Representatives WAGNER, SCOTT, CLAY, and I sent a bipartisan letter, signed by 21 Members, to Secretary Perez, asking for the DOL to stop these disruptive changes and repropose the rule in light of the many negative comments. Secretary Perez replied that the DOL would not entertain the request. That is why it is necessary for Congress to take action and pass this legislation.

Look, we all agree that financial advisers should act in the best interests of their clients, but heightened consumer protections in the investment space should apply broadly and should not create two classes of investors. It should not bifurcate the industry to those who can afford advisers and those who cannot. The result will be less choice for consumers and a lack of access for retail investors to sound financial advice. The best consumer protection is not central planning from Washington. It is choice and competition.

I thank Representative WAGNER for her leadership on this issue, and I encourage my colleagues to vote for competition and choice, to vote for access to professional financial advice, and to defeat this rule.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Committee on Oversight and Government Reform.

Mr. CUMMINGS. I thank Ranking Member WATERS for yielding, and I thank her for her excellent and compassionate leadership not only on this issue but on so many others.

I rise today to oppose H.R. 1090, the so-called Retail Investor Protection Act, which is anything but a protection for investors.

Rather than protecting our constituents' investments, this Act would prevent the Department of Labor from finalizing a rule to establish a fiduciary standard for investment advisers until the Securities and Exchange Commission finalizes a rule first.

In essence, the bill before us would prevent the Labor Department from finalizing any rule at all. The administration has already indicated it would veto this measure if it is passed by Congress.

This past March, Senator ELIZABETH WARREN and I held a forum as part of our Middle Class Prosperity Project to consider the need for a strong fiduciary standard to protect Americans who are saving for retirement. We heard directly from Americans who had lost tens of thousands of dollars because they did not receive advice that was in their best interests.

In some cases, people may not even realize they have placed their trust in advisers who are not fiduciaries and who have no obligation to act in their best interests. One study found that Americans who are saving for retirement lose more than $43 billion, on average, each year because advisers don't act in their clients' best interests.

The real solution, as we learned in our forum, is to have a strong conflict of interest rule to ensure the advice Americans receive—advice they receive as paying customers—directs their hard-earned retirement savings to investments that will work in their best interests.

This House should not put roadblocks in the way of this commonsense reform, which would protect our constituents' money. I urge all of the Members of the House to oppose H.R. 1090.

Mr. HENSARLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. MESSER), another valued member of the committee.

Mr. MESSER. I thank the chairman.

I thank Mrs. WAGNER for her leadership on this important issue.

Mr. Speaker, I rise today in support of the Retail Investor Protection Act.

Let me be clear. We all agree that investment advisers should act in the best interests of their clients, and we all want to ensure that low- and middle-income investors get good financial advice. But in life and in the world of public debate, we are not just responsible for our intentions; we are also responsible for our results.

That is the problem with the Department of Labor's fiduciary rule. Whatever their intentions, the results of this administration's policy will hurt the very people they are saying they are trying to help. Here is why: The rule will increase the cost of financial advice and force working class investors to pay higher fees. The fact is that most investors can't afford these fees. As a result, millions of investors will get no advice at all. That is not good for anybody.

The bill today will delay the implementation of the new so-called ''fiduciary rule'' and ensure that investors continue to have access to sound financial advice.

I urge my colleagues to protect lower and middle class investors and stop this administration's so-called ''fiduciary rule.''

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentlewoman for yielding.

Mr. Speaker, the name of this bill is the Retail Investor Protection Act. If you didn't know better, you would think it was a bill designed to protect the retail investor. But, in fact, it does the opposite of that because it blocks the Department of Labor from putting in place commonsense rules that would make sure that retirement investment advisers handle their clients with care and with a fiduciary duty.

The Department of Labor wants to update rules that are now 40 years old, and that, again, makes common sense. Here is what happens: A retiree wants to take his 401(k) plan and make a decision about where to invest it. The retirement adviser comes along and offers up that advice. Meanwhile, the retiree does not realize that that person may be getting a commission from the very funds to which that retiree is being directed.

That is a conflict of interest, pure and simple.

If you asked the average retiree, ''Do you think we need a rule that would protect retirees and other investors from this kind of conflict of interest, that would put some kind of fiduciary duty in place so the retirement investor is acting in the interest of the client,'' if you said, ''Do you think we need a rule,'' the average retiree would ask, ''Do you mean we don't already have that rule in place?'' He wouldn't

believe it. He wouldn't believe this conflict of interest is structurally built into the system and is resulting in billions of dollars being taken from workers' retirement savings every single year.

So why is the Congress taking this up? Why are we trying to block the DOL?

I fear that what is happening is Congress is getting pushed around again by Wall Street and by wealthy special interests. We heard a lot about crony capitalism when talking about the last bill. That is what is going on here. There is a letter in the RECORD from the Koch Brothers and their gang, Americans for Prosperity and FreedomWorks. They are in here trying to block the Department of Labor's bill.

So Big Money is cascading into Washington. It is affecting the way we make policy. It is going to keep coming. The fix is in. I hope my colleagues will come to the floor today and vote against this, but I am not optimistic.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA), another great member of the House Financial Services Committee.

Mr. GUINTA. I thank Chairman HENSARLING.

Mr. Speaker, I stand today in strong support of H.R. 1090, the Retail Investor Protection Act.

This isn't about the Koch Brothers. This is about low- and middle-income families, seniors, people who try to take a little bit of their life savings and put it away over time. You heard speakers earlier talking about 98 percent of the people who have IRAs have under $25,000 in them. They are who we are aiming to protect. They are the people who are coming to us, asking—begging—for assistance, and they are who we stand with because this is America.

□ 1715

This is not a place where Washington, D.C., is supposed to stand firm and dictate policy for everyone. We are supposed to be about limited government. We are supposed to be in this Nation about putting our trust and our faith in individuals.

This proposed legislation by the DOL does the exact opposite. It takes power away from the individual. It takes power away from the individual to talk to their financial adviser and gain educational opportunities to make informed decisions about their long-term investments.

My wife and I have two kids, 10 and 12. We are thinking about their financial stability. We want to encourage them to have long-term investments, like my folks suggested to me, so they can make informed decisions. But, no, Washington is going to decide that they can't, that I can't, that my folks can't, that the people I represent can't, all in the name of ensuring that Washington knows better.

Well, Mr. Speaker, I put my faith in the people. I do not put my faith in bureaucrats who think they know better.

I think that Representative WAGNER's leadership is tremendous on this particular issue because she feels just as passionately as the rest of us. We are not only talking about the lack of ability, but the compliance cost, which is going to get pushed onto that same individual.

So I encourage my colleagues, I implore my colleagues, to vote for this bill and support H.R. 1090.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.R. 1090, the misnamed Retail Investor Protection Act, which essentially ends the progress made by the Department of Labor on releasing an updated conflict-of-interest rule that seeks to protect our constituents' hard-earned savings and strengthen the ability for those in the middle class to save for retirement.

In June, I had the opportunity to speak with Secretary Perez in a hearing held by the Education and the Workforce Committee on the Department's work to draft a comprehensive rule and, importantly, a rule that is developed by working with diverse stakeholders and based on feedback from senior advocacy groups, civil rights groups, and the industry that provides these services.

This is the process that is currently underway. H.R. 1090 would stop this process. Secretary Perez is on record saying he is listening to feedback and incorporating changes. Let's allow the process to go forward, not stop it.

I have met with families and individuals across Oregon who are struggling to get ahead, and I know the sacrifice that is involved in each and every dollar they set aside to contribute to their future retirement. I am disappointed by the efforts today to stop this rule.

We need a level playing field to allow our constituents to take advantage of the many opportunities that exist to grow and protect their investment.

Finally, as a former consumer protection attorney, I learned and know that strong rules can empower consumers and bring transparency to the marketplace. This is what the Department of Labor is working toward, and I am disappointed in this bill's attempt to stop their important work to finish this rule.

I urge my colleagues to join me in opposition to H.R. 1090.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. WILLIAMS), another outstanding member of the House Financial Services Committee.

Mr. WILLIAMS. Mr. Speaker, President Obama would have us believe that the American people are incapable of making our own choices, that we are just not smart enough. From health care to education, to now personal retirement accounts, the Obama administration thinks government knows best.

Remember when Obamacare architect Jonathan Gruber claimed ''the stupidity of the American voter''? A recent administration ruling by the Department of Labor demonstrated this arrogance again when it said Americans ''seldom have the training or specialized expertise necessary to prudently manage retirement assets on their own.'' This is unbelievable because the government can't even manage the taxpayers' dollars.

So their solution to our apparent stupidity is an $80 billion ruling that will increase costs for low- to middle-income investors and limit access to quality investment advice. Some solution this is.

Mr. Speaker, there are already measures in place to provide incentives for advisers to act in their client's best interest, measures that are far less costly and far less restrictive.

To Jonathan Gruber, President Obama, and members of this administration who think they know better than the average American, let this bipartisan opposition illustrate how wrong they are.

Mr. Speaker, I urge passage of the Retail Investor Protection Act. In God we trust.

Ms. MAXINE WATERS of California. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, there are comments on this floor that said we had to listen to those who came. I want to stand and listen to the hardworking Americans who ultimately will retire.

I am tired of blocking good measures that protect them, such as the Labor Department's efforts to strengthen protections for working families and retirees by requiring their financial professionals who provide retirement investment advice be treated as fiduciaries under ERISA laws.

It is important to note that this is a simple requirement. It does not undermine the responsibilities or the profits of broker-dealers and others. It just simply says that they must be held to a standard to protect those retirees who have worked so very hard.

I oppose the underlying bill, H.R. 1090.

I am also glad to stand on the floor and support, however, H.R. 597, the Export-Import Bank Reform Reauthorization Act, finally to open the Bank and create jobs and opportunities for so many.

Again, let me say that I am standing with those workers who are not here, retirees who have worked, hardworking Americans who will have their investments protected, by making sure that those who give them advice are regulated and held to very high standards.

Mr. Speaker, I rise in opposition to H.R. 1090, the Retail Investor Protection Act.

I oppose this bill, because it would undermine efforts to curb conflicts of interest in the marketing and development of retirement investments, particularly for retail investors.

I support the efforts of individuals and businesses to succeed in the American economy.

Unfortunately for too long the success of some is coming at the total disregard for the rights of workers and their families.

Investments in a home, savings placed in retirement accounts or into 401ks are ways for working people to ensure that they will not live in poverty when they retire.

This bill would prevent the Department of Labor from addressing disparities in how the rights of investors are protected.

Broker-dealers trade securities for themselves or on behalf of their customers, and they typically charge a commission fee for each transaction and may also be compensated with a commission from the company whose securities they trade.

In making recommendations to clients and conducting transactions, they must adhere to ''suitability'' standards that ensure that their recommendations are suitable to the client's financial situation and objectives.

Investment advisers, meanwhile, who manage the employee retirement and benefit plans for private companies, must under the Employee Retirement Income Security Act (ERISA; PL 93–406) adhere to higher ''fiduciary'' standards and take actions that are in the best interests of the participants.

Among other things, such investment advisers must act solely for the interests of participants and beneficiaries and for the exclusive purpose of providing benefits and paying plan expenses.

They also must act prudently and avoid conflicts of interest. Investment advisers are paid through an annual flat fee for managing the investments, which is based on the size of the plan.

Broker-dealers are regulated by the Securities and Exchange Commission (SEC) and the Financial Industry Regulatory Authority (FINRA) under the suitability standard, while investment advisers are regulated more directly by the SEC under the higher fiduciary standard.

While employee retirement benefit plans are managed by investment advisers, individuals also invest on their own for retirement and other purposes and often use either investment advisers or broker-dealers to help them decide on investments and to perform the trades in stock or investment instruments.

The 2010 Dodd-Frank Act required the SEC in Section 913 of the act to report on the standards of care applicable to broker-dealers and investment advisers, and it authorized the SEC to issue rules to extend the fiduciary standard now applicable to investment advisers to broker-dealers when providing any advice about securities to retail customers.

According to the Financial Services Committee, in 2011 the SEC released a staff study recommending that both broker-dealers and investment advisers be held to a fiduciary standard ''no less stringent than currently applied to investment advisers.''

This past April, the Labor Department, acting under ERISA, proposed new rules regarding who is covered by ERISA's fiduciary standard and how that standard would be applied, saying that more needed to be done to protect individuals who are trying to invest and save for retirement.

The proposed rule would treat all financial advisers who provide retirement investment recommendations and make trades on behalf of clients—including broker-dealers dealing with individual IRAs, 401(k)'plan and other retirement investments—as fiduciaries under ERISA.

Under the proposal, financial advisers would be required to provide investment advice that is in the best interest of the retirement investor ''without regard to the financial or other interests'' of the financial institution, adviser or other party.

The SEC Rule allows retirement advisers to be paid in various ways as long as they are willing to put the interests of their customers first, in certain cases allowing advisers to receive common types of fees that fiduciaries otherwise can't receive under the law, such as commissions and revenue sharing.

The Labor Department is currently reviewing public comments received on its proposed rule and has not indicated when the final rule will be issued.

Supporters of the bill argue that it is needed to prevent a potentially harmful rule from going into effect.

The proposed Labor Department rule would be very costly to broker-dealers, requiring them to meet two separate standards when advising clients: the fiduciary standard when advising on retirement issues and the suitability standard for other investment matters.

The resulting high compliance and potential liability costs, they say, could drive many smaller broker-dealers out of the market for providing retirement advice or lead them to service only larger dollar accounts, thereby limiting access to professional retirement planning and guidance for those retail investors who need it most and likely resulting in a reduction in the overall level of retirement savings for American workers.

They note that the United Kingdom in 2013 implemented a similar rule, which has created an ''advice gap'' for 60,000 investors with smaller accounts.

The Dodd-Frank law, they say, gave the SEC the lead role in setting the fiduciary standards, and they argue that the SEC, not the Labor Department, is the better choice for developing those rules because it is much more familiar with investment markets.

In fact, they contend that the proposed Labor rule is confusing and actually conflicts with existing rules and securities market trading practices, and that it could disrupt the carefully considered regulatory regime applicable to broker-dealers and investment advisers that is administered by the SEC and FINRA.

Broker-dealers and others operating under the lower ''suitability'' standard often have a direct conflict of interest, directing their customers to higher-cost investments that have hidden fees or from which the advisers get backdoor payments.

We say this behavior in the predatory lending activity that led to the economic collapse in 2008.

Home purchasers who could qualify for lower fixed rates for new home purchases were only shown loans that had high interest triggers that would double or triple mortgages a few years after they were purchased.

The conflicts of interests in investment programs, the White House Council of Economic Advisers estimates, result in annual losses for affected U.S. investors of about 1 percentage point, or about $17 billion per year in total.

The Labor Department's proposed fiduciary rule would require all retirement investors to instead put their clients' best interests before their own profits.

Blocking the Labor Department from issuing its rule until the SEC acts on a standard-of-conduct rule for broker-dealers could effectively kill the critical consumer protections that would be provided by the Labor rule, since the bill does not require the SEC to ever issue its rule.

While the SEC should similarly update its rules governing investment advice related to securities, they argue that Congress should not hinge the Labor Department's efforts on the SEC's ability to do so.

Labor's rule was thoughtfully developed and would not cause disruptions in the market, they say, noting that the department worked with the SEC in developing the rule and that it has taken into account the concerns of stakeholders.

This bill prohibits the Labor Department from implementing a final rule on fiduciary standards for retirement investment advisers until after the Securities and Exchange Commission (SEC) conducts a study and issues a final rule setting standards of conduct for broker-dealers.

Specifically, the Labor Department could not exercise its authority under ERISA to define the circumstances under which an individual is considered a fiduciary until 60 days after the SEC issues a final rule regarding standards of conduct for broker-dealers pursuant to Section 913 of the Dodd-Frank Act.

The bill would not, however, require the SEC to issue a rule.

Prior to issuing a rule, the SEC must complete a study and report to Congress on whether retail investors are being harmed by the lower standard of care under which brokers and dealers operate, and offer alternate remedies to reduce confusion or harm to retail investors due to that different standard.

It also must investigate whether the adoption of a uniform fiduciary standard would adversely affect the commissions of brokers and dealers, the availability of proprietary products and the ability of brokers and dealers to engage with customers, as well as whether a uniform fiduciary standard would adversely affect access by retail investors to investment advice.

The conclusions in the report must be supported by economic analysis.

In developing a rule, the SEC would be required to consider differences in the registration, supervision and examination requirements applicable to brokers, dealers and investment advisers and publish formal findings that the rule would reduce confusion or harm to retail customers caused by the different standards of conduct.

I urge my colleagues to join me in opposition to this bill and protect the little that workers have from their shrinking wages to protect against falling into poverty once their work years have been spent in increasing the profits of employers.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes remaining. The gentlewoman from California has 5 minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HILL), one of the hardest

working members on the House Financial Services Committee.

Mr. HILL. Mr. Speaker, in a chamber where we have no shortage of hyperbole and sanctimony, certainly this bill is no exception as I listen to the opposition.

Today I rise in strong support of H.R. 1090, the Retail Investor Protection Act. I want to thank Representative WAGNER for her leadership and the chairman for this time.

We are down to the bottom of the barrel if we are quoting NPR as a source of economic research. There is no credible research that justifies what the Department of Labor is doing.

Having worked in this industry for three decades, I can speak to this on a very personal basis.

Instead of working in harmony and complying with Dodd-Frank, the DOL is preempting the SEC and the FINRA and moving ahead with its own agenda.

As we have said today, there is broad consensus that financial advisers should act in the best interest of their customers, and they do. Any bad actors should be punished. There are existing rules and requirements for broker-dealers and investment managers to deal fairly and provide recommendations that are suitable for their customers and disclose conflicts of interest.

We have left the appearance in this room hanging that prices are skewed. In fact, most retail investment products are sold by a prospectus with fixed prices that are fully disclosed to retail investors.

We have heard today that this reproposal is an improvement over previous efforts by the Department of Labor. In fact, that is not true, Mr. Speaker. This pending rule is not an improvement.

It turns its back on best practices of new account openings and includes a dispute resolution that turns its back on dispute resolution practices in the industry that will increase litigation and hurt retail investors and brokers alike.

Representative SCOTT of Georgia calls this proposal a straightjacket for modest investors. I could not summarize it better.

I urge my colleagues to join me in supporting H.R. 1090 and protecting sound retirement advice for retail investors.

Ms. MAXINE WATERS of California. Mr. Speaker, I would like to inquire whether Mr. HENSARLING has any more speakers.

Mr. HENSARLING. Mr. Speaker, I have at least three more speakers.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. I yield 2 minutes to the gentleman from Minnesota (Mr. EMMER), who is last, but not least, on the House Financial Services Committee.

Mr. EMMER of Minnesota. Mr. Speaker, since this Congress was sworn in last January, I have received more calls and emails and I have had more meetings with constituents and consumers of financial services about the Department of Labor's proposed fiduciary rule than perhaps any other issue that has faced us in Congress.

Why? Because the Department of Labor's proposed fiduciary rule, if it is ever fully implemented, will actually harm the very people that it is purported to protect, middle- and low-income investors.

Mr. Speaker, I came to Washington to fight against out-of-control, top-down government bureaucracies, and this DOL rule is their latest mad creation. We should look for ways to increase access to affordable, transparent, and high-growth financial products that meet the needs of all Americans, not limit them.

According to a recent study by Oliver Wyman, an international management consulting firm, the proposed rule will increase costs for investors by an average of 73 percent. This increase will harm the ability of millions of Americans to get professional financial advice.

This is particularly disturbing, considering research shows that assistance from a financial professional consistently leads to better retirement planning. For example, according to the same report: Advised individuals aged 35 to 54 years making less than $100,000 per year had 51 percent more assets than similar nonadvised investors.

Nearly 60,000 of my constituents make a living supporting the financial services industry. How does this rule help them or the people they assist? I recently heard from a financial adviser in my district, Ken, from Blaine, Minnesota, who told me that this DOL rule is a solution in search of a problem and that it will adversely affect his clients.

Hardworking Minnesotans are gravely concerned that this rule will cause many financial advisers to severely limit the types of products that customers want, need, and desire or, even worse, it will force advisers out of the business.

I thank our friend, Mrs. WAGNER, for her leadership on this issue.

I urge my colleagues on both sides of the aisle to protect middle- and low-income investors by supporting the Retail Investor Protection Act.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, it was mentioned earlier about a hearing that we sat through in the Committee on Education and the Workforce on this rule, which frankly I couldn't believe.

The American people want choice, not another top-down government rule where you take away their choice. That is why I rise today in support of H.R. 1090, the Retail Investor Protection Act, to block the Department of Labor's misguided fiduciary rule.

All across Georgia's 12th District people depend on their trusted financial advisers to help manage their hard-earned savings and plan for future retirement.

As drafted, the Department of Labor's 1,000-page rule is simply unworkable. Unaltered, this burdensome regulation would harm the very people it is designed to protect the most by substantially limiting access and increasing costs of retirement planning.

The Federal Government has no right to prevent low-and middle-income families and small businesses from accessing affordable financial planning advice.

I urge my colleagues to stand up to the Department of Labor by supporting H.R. 1090.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 1090. I think that we don't have to go back too far to look at what is happening here right now.

It is almost a message to the American people: You poor, poor people. You can't possibly understand how to handle your physical health decisions. The government is going to have to step in and tell you how to handle your financial decisions because you just can't do it on your own.

So we attack those people who make a living of giving good advice to people who don't have the ability to navigate a very difficult terrain when it comes to their retirement.

□ 1730

So who is always there to step in? That knight in shining armor, that parasitic leviathan that just can't wait to gobble up every single asset that the American people have.

We talk about fiduciary responsibility. I would say that also falls in the House. Really, if you are acting in the best interests of those folks who you represent or those people whose problems you handle, you will probably get a chance to come back here. If you handle their retirement accounts the right way, they will probably keep you as their retirement adviser, and they will also refer you to other people who are having the same problem.

Isn't it amazing that it always comes down to the government because they know so much better than everyday Americans about the way things should be done. When we have to go after some group, what we do is we raise the bar so high, we put so much responsibility on them that at the end of the day, they say: You know what? I can't pony up in this game anymore. I can't ante up. I am going to get out of here. Then who is left? Oh, my goodness, thank God for this safety net of a Federal Government that has done such a marvelous job with Social Security, that does

such a marvelous job of protecting everyday Americans.

This is not a Republican initiative, and thank God for the gentlewoman from Missouri, the Show Me State, to show us what is happening here right now. The Department of Labor does not have to get involved in this. As has already been said, this is a solution hunting for a problem.

Why don't we just use good common sense? When it comes to lower income people and lower middle-income people, they look to those folks who do financial advising to help them get through that night, that dark night and get ready for retirement. Why in the world would we turn our back on the people who generate all this revenue?

Ms. MAXINE WATERS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I have no further speakers, and I am prepared to close.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

I think it is important for me to correct the RECORD about the U.K. investment advice experience. In predicting the worst outcome from the Department of Labor's rulemaking, my Republican colleagues frequently cite the United Kingdom. They argue small investors will lose access to their investment advice.

Let me set the record straight. According to outside consultants for the U.K. Financial Conduct Authority: Eliminating commissions has reduced investment bias and has contributed to an improvement in the quality of advice.

There is now more competitive pressure and lower product costs, and far from having an advice gap, there is excess capacity of about 5,000 advisers in the U.K. market today according to an analysis by Towers Watson. There is no evidence that consumers have been forced to go without advice as a result of the regulation.

I fear that we are comparing apples to oranges. That is because—unlike the U.K. regulation—the DOL proposal is a modest update that does not ban commissions. Rather, the proposal seeks to simply ensure that persons providing retirement investment advice put the interests of their clients ahead of their own.

This debate touches on a fundamental disagreement we continue to have in our respective parties. On the one hand, Democrats are acting on the belief that government should be the guardian of the interests of the people. It is a belief grounded in a fundamental truth: that our economy thrives with a rapidly growing and diverse middle class. For the middle class to grow, the American public must have confidence in our markets and be protected from bad actors.

On the other hand, Republicans continue to act to protect the interests of a free market, driven by profit, even if it comes at the expense of the retirement savings of hardworking Americans. But we have seen the impact of the Republican free market on our economy, most recently in 2008, when the big banks on Wall Street, left to their own devices, caused the worst economic collapse in a generation, one that destroyed nearly $16 trillion in household wealth and 9 million jobs, displaced 11 million Americans from their homes, and doubled the unemployment rate.

And yet my colleagues insist on advancing measures like H.R. 1090, which would encourage the continued exploitation of American workers and retirees on behalf of some financial advisers who put their own interests in profits first.

The current rules governing the provision of retirement investment advice allow conflicts that harm everyday Americans working hard to ensure that they can retire with dignity. Every moment we delay in updating those rules, unscrupulous advisers benefit $1.4 billion a month at the expense of those everyday Americans.

With such large industry profits at stake, this issue will continue to be a prime target for the Republican majority. But I encourage my colleagues to resist those who are more interested in lining their pockets than protecting the interests of American retirees and workers.

I urge my colleagues to join me in voting ''no'' on H.R. 1090.

Mr. Speaker, I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Again, let me remind all that the administration that told the American people, ''If you like your doctor, you can keep them'' is now telling us, ''If you like your financial adviser, you can keep them.'' Not—not—in the face of the Department of Labor fiduciary rule.

The ranking member just brought up the U.K. experience. Well, it is funny, we heard something completely different from what she described in our hearing. What we heard was, ''In the wake of the U.K. commission ban''—which, Mr. Speaker, is similar to what the DOL fiduciary rule is—''the largest banks have significantly raised the minimum account balances required before they will offer financial advice to investors.''

The number of advisers serving retail accounts plunged by 23 percent. Tens of thousands are going without financial advice because their accounts aren't large enough. What my friends on the other side of the aisle would do by backing this DOL rule is take it away. You don't count. You are not rich enough to get any financial advice. You can't grow your savings.

How ironic, Mr. Speaker, that the very same Department of Labor has come out with a study saying that investors who do not use investment advice are losing $114 billion a year. And yet what do my friends on the other side of the aisle do in cahoots with the Department of Labor? They take away—they take away—their professional advice.

Here is a radical idea—and I admit it is radical—it is called freedom. Why don't we let the customer have the freedom of choice? My friends on the other side of the aisle use a red herring about disclosure and conflict of interest.

There already are rules on the books. FINRA has disclosure rules, conflict of interest rules. We believe them. They ought to be enforced. If they are not obeyed, broker-dealers can have fines, they can lose their license. If they are fraudulent, the Department of Justice can criminally prosecute. That is a complete red herring.

The issue here today is whether or not low- and moderate-income people can get access to financial advice under a commission-based model in order to grow their retirement accounts, so they can have the safety and security that so many Members of Congress already enjoy. Mr. Speaker, isn't that what is fair? Isn't that what is right? Why don't we have disclosure, and then why don't we let people choose?

I just want to come here urging all Members to support H.R. 1090. I want to thank the gentlewoman from Missouri (Mrs. WAGNER). She has been at the forefront of this battle all over the Nation. She should be recognized as the hero she is in fighting for working Americans' retirement security.

I would urge that we all support this bill. It is so critical to the future retirement security of all those who struggle every day.

We have got a case study right now in the U.K. We do not want to repeat this. Let's protect them. Let's enact H.R. 1090, the Retail Investor Protection Act.

Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, today's legislation is very similar to a bill introduced by Rep. WAGNER in the last Congress. I opposed that bill then, and for essentially the same reasons will oppose this bill now.

As I indicated last year, I support consumer choice and believe there is room for a variety of different business models in the financial services marketplace. I also believe consumers have a right to full transparency regarding compensation arrangements and to recommendations from financial services professionals that are based on the consumers' best interests.

In my judgment, the Department of Labor shares these convictions and has proposed a workable Fiduciary Rule that embodies both of these principles. Moreover, whenever our office has raised specific issues that we believed warranted further clarification or adjustment—from so-called level-to-level funding, to the appropriate distinction between education and advice, to the role of annuities and other insurance products in Americans' retirement security—we have found the Department both

knowledgeable about, and responsive to, the concerns being raised.

While I support the Securities and Exchange Commission promulgating its own Fiduciary Rule, I do not believe the Department of Labor—or the retirement security of millions of Americans—can or should wait on action by the SEC. Accordingly, I oppose this legislation.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend section 2 to read as follows:

SEC. 2. RULES DEFINING CERTAIN FIDUCIARIES.

(a) RULEMAKING.—The Securities and Exchange Commission shall issue a new or revised rule relating to standards of conduct for brokers and dealers pursuant to the second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) not later than the end of the 60-day period beginning on the date that the Secretary of Labor issued a final rule based on the ERISA fiduciary rule.

(b) COORDINATION REQUIRED.—In issuing a rule described under subsection (a), the Securities and Exchange Commission shall coordinate with the Secretary of Labor.

(c) ERISA FIDUCIARY RULE DEFINED.—For purposes of this section, the term ''ERISA fiduciary rule'' means the proposed rule of the Department of Labor titled ''Definition of the Term 'Fiduciary'; Conflict of Interest Rule—Retirement Investment Advice; Proposed Rule'', published April 20, 2015.

The SPEAKER pro tempore. Pursuant to House Resolution 491, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Speaker, I rise in support of my amendment to H.R. 1090, the so-called Retail Investor Protection Act.

Mr. Speaker, if adopted, my amendment would allow the Department of Labor to complete and adopt a rule to require that investment advisers act solely in the best interest of the workers and retirees who rely upon them in making financial decisions regarding their retirement.

I bet most Americans think that financial advisers are already required to act in the retirees' best interest. Unfortunately, the bad news is that that is not the state of the law today. The good news, however, is that, hopefully, if we can defeat H.R. 1090—and the President has promised to veto this bill—that situation may be about to change.

At the outset, it is important to remember that this issue concerns the retirement security of all Americans. It is important that we get this right.

Congress, in its wisdom—obviously, this was a previous Congress—gave the DOL exclusive jurisdiction regarding retirement plans under the Employee Retirement Income Security Act of 1974. In doing so, Congress recognized that retirement is different.

Previous Congresses realized the importance of protecting workers and retirees by imposing a higher standard of care and loyalty upon financial advisers who offer services and sell stocks or bonds or other assets to be included in retirement plans. Again, that is because retirement is different.

The basic idea of retirement plans works like this: if the average worker sets aside a small amount of wages regularly over 30 or 35 years that they are in the workforce and that amount is invested prudently and allowed to grow, then through proper investment and the miracle of compound interest, that worker will likely have a sizable nest egg upon which they can rely in retirement.

Investing for retirement is also different in another context. It has grave consequences if it is done improperly or neglected. There is no second chance if you are at the end of your working life. You can't go back. This is your nest egg. It is tough to go out and get another job when you are at the age of retirement. You are out of time. So workers have a lot at stake.

There are huge risks for workers if their retirement contributions over 30 years are not invested in a way that is in their best interest. They should be able to rely on the fact that their sacrifice, that their savings have been invested in a way that is in their best interest, not in the best interest of the financial adviser or the investment company. Again, however, that is not the case of the law today.

Right now, most—but not all—financial advisers are often paid extra money, extra fees, a higher commission to offer a retiree or a worker particular advice or a particular product that are in the financial adviser's best interests because they carry higher fees or larger commissions, but those products and services may not be in the worker's or retiree's best interest.

It is a basic law of economics. If financial advisers are paid more for recommending a particular fund over another, they will recommend that fund that they get paid more to recommend, even though it may not be in the client's best interest. That presents a classic example of conflict of interest.

Now, I support rulemaking for a fiduciary standard by the DOL, and I agree that the SEC should thereafter harmonize its rules. Investment advisers should be held to a standard of care and loyalty to workers and retirees which requires that the adviser must act solely in the best interest of the worker who is investing for their retirement. However, H.R. 1090, in its current form, would harm people saving for retirement by blocking the DOL's rule and allowing financial advisers to act in their own financial interest instead of their client's best interests.

In closing, I urge my colleagues to support this amendment. All investment advisers must be held to an essential standard of care and loyalty when providing advice to their clients, particularly clients who are saving for retirement.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, this amendment essentially guts the Retail Investor Protection Act and puts the Department of Labor, once again, in the driver's seat to deny potentially millions of our fellow countrymen, low- and moderate-income people, the right to have their own financial adviser, the right to have financial advice on a commission basis.

In many respects, the gentleman's amendment just gives us an opportunity to vote on the same matter twice, so I am not sure exactly what is being attempted to be achieved with this.

□ 1745

Again, Mr. Speaker, it is competition, it is innovation that has brought us something called the $7 trade. And my guess is, Warren Buffett doesn't necessarily need a $7 trade, but there are a lot of good folks, small business people, factory workers in Mesquite, farmers out near Mineola, Texas, good folks in the Fifth Congressional District, when they are planning for their retirement security, when they are trying to preserve their 401(k), their IRAs, they need that.

Again, if we adopt the amendment of the gentleman from Massachusetts, we are right back to where we are—denying the ability for low and moderate-income people to have a choice in how they receive their financial advice, even if they will receive it. That is unacceptable, and I would urge a rejection of this amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore (Mr. JOLLY). The gentleman from Massachusetts has 30 seconds remaining.

Mr. LYNCH. Mr. Speaker, the heart of this matter is that my amendment just changes the standard upon which that advice needs to be made. The advice that we have in financial advisers giving to retirees and workers who desperately need the opportunity to invest, you know, these IRAs and retirement vehicles are a blessing to us. All it does is require that that advice be given without any conflict, that it be given in the best interest of the retiree or the worker who is making that investment. That is the only change here that is required.

I think it is a good change. It is a necessary change. It is one for the American worker.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, how much time do I have remaining, please.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The gentleman from Texas has 3½ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Missouri (Mrs. WAGNER), the author of H.R. 1090, the Retail Investor Protection Act.

Mrs. WAGNER. Mr. Speaker, I thank the chairman again for his support and all my colleagues who have come down here to the floor to speak on behalf of those low- and middle-income investors that need good, sound advice when it comes to their financial security and their retirement.

We all agree that every American who is saving for the future deserves to have the very, very best advice based on the needs for their retirement investments and savings for the future.

With all due respect to the gentleman from Massachusetts, what his amendment does is completely flip-flop the Retail Investor Protection Act. It says that the DOL should go ahead of the SEC.

The Department of Labor is completely out of its lane when it comes to this particular matter. It is the Security and Exchange Commission that is absolutely the expert when it comes to promulgating any kind of rule, regulation, or oversight in this area.

We have laws and rules already on the books, through FINRA, through the SEC, to make sure that savers are getting the best advice they possibly can for the future.

It is clear in Dodd-Frank—and I find it almost impossible to believe that the minority thinks that somehow that Section 913 of Dodd-Frank, which says specifically that the SEC should take care of this space, should be promulgating rules and regulations and deciding how to go forward in this space, that somehow they now think that the Department of Labor should be allowed to promulgate, including addendums and exemptions, another thousand-page rule on the American people.

Mr. Speaker, the American people are tired of this ''Washington knows best, top-down government.'' It is wrong. We have heard it from the chairman and others, whether it had to do with food, energy, or health care.

I believe in freedom. I believe in the American people that they can choose their investment advice, their savings advice themselves, and they are entitled to that freedom and to their right.

We do not need another government-promulgated, ''Washington knows best'' rule from the Department of Labor that is going to put access people, choice people, and cost those low- and middle-income investors out of this entire savings retirement future.

So I implore my colleagues to reject the amendment from my colleague, Congressman LYNCH, and to support the Retail Investor Protection Act, H.R. 1090.

I thank the chairman for his time and effort and the entire committee and, again, all the colleagues, those who even wanted to come to the floor to speak on this issue because their constituents are so very concerned about their personal retirement savings and freedom.

Mr. HENSARLING. Mr. Speaker, I would just urge all Members to vote for freedom, to vote for opportunity, to vote for empowerment of the farmers, the factory workers, the low- and moderate-income people, the single moms, all building a retirement security.

Reject the amendment of the gentleman from Massachusetts, and vote for H.R. 1090, the Retail Investor Protection Act from the gentlewoman from Missouri (Mrs. WAGNER).

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Massachusetts (Mr. LYNCH).

The question is on the amendment by the gentleman from Massachusetts.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on a motion to recommit, if ordered; passage of the bill, if ordered; and passage of H.R. 597.

The vote was taken by electronic device, and there were—yeas 184, nays 246, not voting 4, as follows:

[Roll No. 574]

YEAS—184

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—246

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg

Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—4

Comstock
Roskam
Sarbanes
Takai

□ 1817

Messrs. MEEHAN, GOHMERT, ROHRABACHER, and SAM JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Mr. MURPHY of Florida and Ms. BASS changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. WAGNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 186, not voting 3, as follows:

[Roll No. 575]

YEAS—245

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—186

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Marchant
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—3

Roskam
Takai
Whitfield

□ 1825

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPORT-IMPORT BANK REFORM AND REAUTHORIZATION ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 313, nays 118, not voting 3, as follows:

[Roll No. 576]

YEAS—313

Adams
Aderholt
Aguilar
Amodei
Ashford
Barletta
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibbs
Gibson
Graham
Granger
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Gutiérrez
Hahn
Hanna
Hardy
Harper
Hartzler
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hultgren
Hunter
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lawrence

Lee	Pascrell	Shuster
Levin	Paulsen	Simpson
Lewis	Payne	Sinema
Lieu, Ted	Pearce	Sires
Lipinski	Pelosi	Slaughter
LoBiondo	Perlmutter	Smith (MO)
Loebsack	Peters	Smith (NJ)
Lofgren	Peterson	Smith (WA)
Long	Pingree	Speier
Lowenthal	Pitts	Stefanik
Lowey	Pocan	Stivers
Lucas	Poe (TX)	Swalwell (CA)
Luetkemeyer	Poliquin	Takano
Lujan Grisham (NM)	Polis	Thompson (CA)
	Price (NC)	Thompson (MS)
Luján, Ben Ray (NM)	Quigley	Thompson (PA)
	Rangel	Thornberry
Lynch	Reed	Tiberi
MacArthur	Reichert	Titus
Maloney, Carolyn	Renacci	Tonko
	Ribble	Torres
Maloney, Sean	Rice (NY)	Trott
Marino	Rice (SC)	Tsongas
Matsui	Richmond	Turner
McCollum	Rigell	Upton
McDermott	Roby	Valadao
McGovern	Rogers (AL)	Van Hollen
McMorris Rodgers	Rogers (KY)	Vargas
	Rooney (FL)	Veasey
McNerney	Ros-Lehtinen	Vela
McSally	Roybal-Allard	Velázquez
Meehan	Ruiz	Visclosky
Meeks	Ruppersberger	Wagner
Meng	Rush	Walden
Mica	Russell	Walorski
Miller (MI)	Ryan (OH)	Walters, Mimi
Moolenaar	Salmon	Walz
Moore	Sánchez, Linda T.	Wasserman Schultz
Moulton		
Mullin	Sanchez, Loretta	Waters, Maxine
Murphy (FL)	Sanford	Watson Coleman
Murphy (PA)	Sarbanes	Weber (TX)
Nadler	Schakowsky	Welch
Napolitano	Schiff	Wilson (FL)
Neal	Schrader	Wilson (SC)
Newhouse	Scott (VA)	Womack
Nolan	Scott, David	Woodall
Norcross	Serrano	Yarmuth
Nunes	Sessions	Yoder
O'Rourke	Sewell (AL)	Young (AK)
Palazzo	Sherman	Zeldin
Pallone	Shimkus	Zinke

NAYS—118

Abraham	Gowdy	Noem
Allen	Graves (GA)	Nugent
Amash	Grayson	Olson
Babin	Guthrie	Palmer
Barr	Harris	Perry
Bilirakis	Heck (NV)	Pittenger
Bishop (MI)	Hensarling	Pompeo
Bishop (UT)	Hice, Jody B.	Posey
Black	Hill	Price, Tom
Blackburn	Holding	Ratcliffe
Blum	Hudson	Roe (TN)
Brat	Huelskamp	Rohrabacher
Buck	Huizenga (MI)	Rokita
Burgess	Hurt (VA)	Ross
Carter (TX)	Jenkins (KS)	Rothfus
Chabot	Johnson, Sam	Rouzer
Chaffetz	Jones	Royce
Clawson (FL)	Jordan	Ryan (WI)
Coffman	King (IA)	Scalise
Collins (GA)	Labrador	Schweikert
Conaway	LaMalfa	Scott, Austin
Crawford	Lamborn	Sensenbrenner
Culberson	Lance	Smith (NE)
DeSantis	Latta	Smith (TX)
DesJarlais	Loudermilk	Stewart
Duffy	Love	Stutzman
Duncan (SC)	Lummis	Tipton
Duncan (TN)	Marchant	Walberg
Emmer (MN)	Massie	Walker
Farenthold	McCarthy	Webster (FL)
Fleischmann	McCaul	Wenstrup
Fleming	McClintock	Westerman
Flores	McHenry	Westmoreland
Forbes	McKinley	Williams
Foxx	Meadows	Wittman
Franks (AZ)	Messer	Yoho
Garrett	Miller (FL)	Young (IA)
Gohmert	Mooney (WV)	Young (IN)
Goodlatte	Mulvaney	
Gosar	Neugebauer	

NOT VOTING—3

Roskam	Takai	Whitfield

□ 1832

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, last week, President Obama vetoed the National Defense Authorization Act, which sets funding levels for our military operations.

The bipartisan NDAA contains a number of positive components. The bill funds our troops' pay increases, health care and retirement benefits. It funds the ongoing effort to defeat ISIS and our effort to Afghanistan. This measure blocks the President's plan to close Guantanamo Bay, which would move the terrorists here to U.S. prisons if it was shut down. And it continues funding for the A–10, a very important close air support aircraft so effective that it is leading the fight against ISIS.

This isn't one of the controversial issues we debate here. It is about the basic responsibility of funding our military while our Armed Forces are engaged overseas.

With ISIS, Syria, Iran, South China Sea, Ukraine, Afghanistan, and also our allies like Israel watching and wondering what we are doing here, we need to do a lot better than that. We need to override the President's veto.

REAUTHORIZATION OF THE HIGHWAY TRUST FUND

(Mr. AGUILAR asked and was given permission to address the House for 1 minute.)

Mr. AGUILAR. Mr. Speaker, today, Congress was faced with a 22-day extension for the reauthorization of the highway trust fund. We have been in this situation before, and every time Republican leadership has chosen to kick the can down the road.

Mr. Speaker, it has to end here. This needs to be the last time. If Congress is going to take 22 days, then we need to use the time to come together and focus on a long-term solution, one that is measured in years, not months.

Our roads, rails, and bridges are the foundation of our economy. They transport our goods, get working moms and dads to and from work, and they connect our towns and cities to States and to the global economy.

We cannot afford to gamble with our transportation and infrastructure, which Inland Empire families in my area and millions throughout the country rely on every day.

If we are able to do this extension, then let's stop governing by crisis. Short-term Band-Aid solutions prevent cities and towns from being able to plan and accommodate for future projects.

Today, I ask my colleagues to come together and take these 22 days to put through a responsible, long-term solution so Inland Empire families and throughout this Nation have safe and sustainable infrastructure to support their growing homes and businesses.

DOMESTIC VIOLENCE AWARENESS MONTH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, as a former judge and prosecutor, I saw the impact of domestic violence firsthand.

As co-founders of the Victims' Rights Caucus, with my friend JIM COSTA from California, we believe that it is important to recognize October as Domestic Violence Awareness Month.

My grandmother used to always say, ''You never hurt someone you claim you love.'' Yet, in 2014 alone, 132 women were killed in domestic violence-related incidents in Texas.

After a history of spousal abuse, 27-year-old Candace Williams Deckard of Houston, Texas, was murdered by her husband on July 17, 2014. She had three children. Her toddler was in the room when she was murdered. Another one of her children, a 7-year-old, ran down the street for help. All of these children will grow up without their mother.

Domestic violence, Mr. Speaker, is not a family issue; it is a national health issue, and it is a criminal justice issue. Domestic violence is a scourge on our national culture. We must not tolerate those who would destroy a family by abuse and murder. We must protect victims.

After all, Mr. Speaker, you never hurt someone you claim you love.

And that is just the way it is.

RETAIL INVESTOR PROTECTION ACT

(Mr. CURBELO of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CURBELO of Florida. Mr. Speaker, I rise today in support of H.R. 1090, the Retail Investor Protection Act, which just passed the House.

This bill would delay the Labor Department's regulation defining when an individual would be considered a fiduciary under the Employee Retirement Income Security Act, or ERISA.

As a member of the House Education and the Workforce Committee, I have expressed serious concerns that the proposal to expand the definition of ''fiduciary'' will limit investor choice, prohibit access to investor guidance, and raise the costs of savings for retirement.

In July, I signed a comment letter, led by Chairman KLINE and Chairman

ROE, stressing that this proposal would cut off vital financial advice for many low- and middle-income families and small business owners. We also shared concerns that this regulation would conflict with Securities and Exchange Commission rulemakings authorized in Dodd-Frank.

I want to thank my colleague, Mrs. WAGNER, for introducing this important legislation that will provide certainty in ensuring that adequate financial planning products are available for all my constituents in south Florida, and I stand ready to work with Chairman KLINE to further address this issue at the Education and the Workforce Committee.

NATIONAL FARM TO SCHOOL MONTH

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to recognize National Farm to School Month.

During the month of October, thousands of local food producers in schools across the country have been working together to promote food and agriculture education.

Since Farm to School Month was established in 2010, the National Farm to School Network has worked to highlight the importance of teaching kids the benefits of healthy food choices and the advantages for our local economies when we buy them from local producers.

The Farm to School Network provides kids with hands-on nutrition education through projects like community gardens and farm field trips.

Earlier this year, members of my staff worked at a community garden in Springfield, Illinois, sponsored by genHkids, a nonprofit organization that strives to educate children about the importance of healthy eating.

I am a cosponsor of H.R. 1061, the Farm to School Act, which expands USDA grant funding to schools, agricultural producers, and nonprofits to improve access to local foods for programs that serve our communities, such as the School Breakfast Program, the Summer Food Service Program, and the Child and Adult Care Food Program.

Our local food producers play an integral role in feeding central and southern Illinois families. In celebration of National Farm to School Month, thank you to all our farmers and schools that bring healthy, local foods to the table for our kids.

□ 1845

SPEAKER JOHN BOEHNER AND HIS SERVICE TO AMERICA

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 6, 2015, the gentleman from Ohio (Mr. CHABOT) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I will be sharing the time this evening with the gentlewoman from Ohio (Ms. KAPTUR), who will handle the Democratic Members who are interested in speaking, and I think there may be some language up there that the Chair may want to read into the RECORD at the appropriate time.

The SPEAKER pro tempore. The Chair understands that all time yielded to the gentlewoman from Ohio (Ms. KAPTUR) will be yielded through the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, in having represented a neighboring district to JOHN BOEHNER's for 19 of the last 21 years, I have come to know JOHN pretty well. I consider him not just a colleague and the leader of the House, but a friend.

It is not just our time in Congress in representing neighboring districts that we share. We have had a lot in common throughout our lives, and we have often talked about those similarities.

We have both lived in the Cincinnati area our entire lives. We were born and grew up in Reading, a small, blue-collar neighborhood just to the north of the city of Cincinnati, although my family moved to Cincinnati's west side when I was 6 years old.

We were both second-born children, although I am the second of 4 and JOHN is the second of 12 children. We were both raised—and still are—Catholic. So I know just how important having Pope Francis speak to a joint session of Congress was for Speaker JOHN BOEHNER.

We both played football in rival Catholic high schools in the GCL, the Greater Cincinnati League, which is an incredibly competitive league in a football-crazy State: Ohio. We both played defense.

In fact, we both had ties to former head coaches at Notre Dame. JOHN played for Gerry Faust at Moeller High School, and I was recruited to William & Mary by Lou Holtz, both of whom, of course, became head coaches at Notre Dame.

We both worked to put ourselves through school as janitors. Later we both ran small businesses, JOHN with a packaging and plastics business and I with a very small law practice.

We both served in local politics in the Cincinnati area in the 1980s before being elected to Congress. So in many ways I understand the challenges that JOHN has overcome, probably, more than most.

Make no mistake. JOHN BOEHNER's story is incredible. It is the American Dream personified.

A couple of my colleagues, I know, would like to speak here this evening. So, first, I yield to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. I thank the gentleman from southern Ohio.

Mr. Speaker, it is a privilege to speak today to recognize outgoing Speaker BOEHNER, whom I got to know a little bit better in 2010, when I ran for Congress. So many of us are here today serving and had difficult races that year, and the Speaker's commitment to us was a big morale boost in that long campaign.

I remember the last days of the 2010 election when we had two standing room only rallies in Zanesville and Chillicothe, Ohio. On the eve of those historic victories, I was proud to stand with Speaker BOEHNER and lay out the vision for the Republican House.

Mr. Speaker, I have a picture of the Zanesville rally hanging on the wall in my home. As you begin your retirement, I hope that you will continue to look back on those chilly October rallies in 2010 as fondly as I do.

Thank you, Mr. Speaker, for the years of service to the people of western Ohio and the country and your confidence in me and in so many other candidates in 2010. I congratulate you on your retirement, and I wish you and your family nothing but the best.

Godspeed.

Mr. CHABOT. I thank the gentleman for his very kind remarks.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR). I might note that she is the most senior now of the 16 Members from Ohio and is the longest serving woman in the entire House of Representatives.

Ms. KAPTUR. I thank the gentleman from Cincinnati, Congressman CHABOT, for organizing this important hour of recognition, and I thank all of my colleagues on both sides of the aisle who have taken the time to be here to thank Speaker JOHN BOEHNER for his service to America.

Mr. Speaker, JOHN has served the people of Ohio ably for well more than two decades, having begun his career in the Ohio legislature, but he has served here in the Congress now for more than two decades.

If we think about that period of time, we think about the various situations that he has faced as a Member and then later as Speaker, certainly, in the late 1990s, being part of a broad coalition to balance the budget when President Clinton was President. Literally, we were able to balance the budget by the end of the 1990s and begin paying back America's long-term debt.

That all changed with the dawn of war in the 21st century, with the 9/11 attack on our country, subsequent military conflicts, and then the 2008–2009 economic crash, which we are still digging our way out of. We look at the more recent, sad invasion by Russia of

Ukraine and at the ensuing conflict in the Middle East that has now spilled over into Syria.

I would say that this period of Speaker BOEHNER's service, both as Speaker and then prior, as a Member, has been a very difficult time for America.

If I think about some of my favorite memories of the Speaker, certainly it would be one of our most recent experiences as a Congress, with Pope Francis coming here and the Speaker's handkerchief being very wet during that period, but I know of his utter joy at having worked so hard to invite the Pope here to address us. For the first time in American history, a Pope addressed the Congress as the head of state.

Another memory I have of the Speaker—and, I think, Congressman CHABOT shared—was with Ohio State and the victors over here in the Speaker's Lobby. Over in the Rayburn Room, all of us were posing, Republican and Democrat alike. We were very proud of our Ohio Buckeyes. Some of our colleagues, like Congressman JOYCE, was handing out Buckeyes to every Member, which his wife made. There were moments of joy as well.

There were the Speaker's many accomplishments, such as the Speaker requiring bills to be posted 3 days online before we voted on them. He had many accomplishments and built a legacy in his own right, as a reasonable voice for his party, despite presiding over a fractious membership that has become more fractious with the ensuing years. He consistently worked to find a way forward during a period as contentious as any, that I recall, in the history of this Congress, even when compromise seemed out of reach.

I would have to say, without question, Speaker BOEHNER's departure is a huge loss to our Buckeye State. The House is a place where seniority and the ability to balance competing and sometimes intractable demands matter, and we as Ohioans are very, very grateful for his service.

As the most senior member of Ohio's Buckeye delegation, I thank the Speaker for his dutiful and patriotic service to the people of the United States and to this House for 25 years. His respectful and moderating presence—often with a smile—in this House will be missed.

May he and his family enjoy the years ahead as he returns home to Ohio and, I think, to some other locations to get some deserved R&R after the very difficult period during which he has served.

We have several speakers on this side, Congressman CHABOT, and we await your yielding us time in order to recognize them in due order. I thank you so much.

Mr. CHABOT. I thank the gentlewoman for her kind words.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. RENACCI), whom I happened to defeat in the Ohio delegation fantasy football league this past weekend.

Mr. RENACCI. I thank the gentleman. I did not know we were going to talk about that tonight.

Mr. Speaker, tonight I join my colleagues in voicing my appreciation for the years of dedicated service of our Speaker, JOHN BOEHNER.

Speaker BOEHNER has been a strong leader through some very difficult and unique times. He has faced many challenging situations and decisions, but he has also celebrated many great accomplishments.

He arranged for Congress to hear from great foreign leaders during pivotal times in our Nation, such as Israel's Prime Minister and the Ukranian President. Most recently, he orchestrated the historic visit of the head of the Roman Catholic Church, Pope Francis, to address a joint session of Congress.

He has been a leader on improving our education system and the lives of all children. It has been an honor and a privilege to serve alongside him in this Chamber and with the Ohio delegation.

Mr. Speaker, one fun fact about Speaker BOEHNER and I: We both love to play golf, and I have played a lot of courses with him, but never in the same foursome.

So, Speaker BOEHNER, I look forward to one day joining you for a friendly round of 18.

Again, I want to thank Speaker BOEHNER and his family for their years of service and dedication to our country.

Mr. CHABOT. Mr. Speaker, I yield to the gentleman from Chicago, Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman for yielding.

Mr. Speaker, I rise to commend the public service commitment and dedication of Speaker JOHN BOEHNER.

The Speaker has much to be proud of, and we all should be thankful for his service to his constituents, to the House, and to our Nation.

While we all can find issues on which we didn't agree with him, I appreciate that Speaker BOEHNER did his utmost best to keep the House functioning in a vital branch of government—yes, in some very, very difficult times—but I think history will really show that JOHN BOEHNER did a fantastic job in getting us through these times.

Speaker BOEHNER, we all know, has a big heart. I guess it is not demonstrated in his profane way that he likes to address his friends, but it is demonstrated well by all of the time and effort he has put into a scholarship program for disadvantaged children in Washington, D.C., to go to Catholic schools. He knew the advantages that he had in going to Catholic school, and he wanted to give those advantages to others. I think that really says much more about JOHN BOEHNER than anything else, probably, that he has done.

So thank you, Speaker BOEHNER, for your service and the sacrifices you, your wife Debbie, and your entire family have made.

I would also like to acknowledge the Speaker's staff, who are a great reflection of the Speaker. I especially want to acknowledge his Chief of Staff, Mike Sommers; his floor leader, Jo-Marie St. Martin; his former Chief of Staff, Barry Jackson; Katherine Haley; Maria Lohmeyer; Tommy Andrews; and so many others who really helped this place to run.

Thank you for all of your service, and I wish all of you the very best.

Mr. CHABOT. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Thank you very much. I appreciate Chairman CHABOT for yielding and for the Special Order tonight to honor Speaker BOEHNER.

Mr. Speaker, this is a time of reflection when you kind of remember some of the first times you actually meet people and have met people, and this is one of the things I remember about JOHN BOEHNER.

I was in the Ohio General Assembly. What a couple of our colleagues and some of my fellow Members here tonight will remember very well are Senators White and Nein.

We were walking across the street in front of the State House in Columbus, and I said, ''Hey, why don't you come over with us. We are going to have a meeting with JOHN BOEHNER, who is in the U.S. House, and talk about some of the things that he is doing on education.''

That is the first time I met the Speaker, and I can still remember how impassioned he was at that time when you were talking about education and about the youth of America.

The next time I really got to know the Speaker was during my special election back in 2007. After it was all over, I can still remember that my wife and I got a call from the Clerk's Office here. It was around 11 p.m. on election night.

They said, ''We need to know when you are going to come down and get sworn in.''

I said, ''I need to talk to my wife about that.'' I said, ''Don't we need to worry about the Secretary of State?''

''Oh, no. We see that as no problem at all.''

So we started talking about it because we wanted to make sure our daughters were here to see me get sworn in. We had this all planned out that we would come down the following Monday.

I was pulling into the State House's parking garage the very next morning, at about 9 a.m., because I was still a member of the State General Assembly and had to vote that day. Just as I am pulling in, my phone rings.

I say, ''Hello,'' and it is JOHN BOEHNER.

He asked, ''LATTA, when are you coming down here?''

I said, ''You know, it is funny. I just got off the phone. I was talking with my wife about that.'' I said, ''I think we can get there on Monday.''

He said, ''You will be here tomorrow.''

And I said, ''Leader, we will see you tomorrow.''

But he has always been very, very accessible. The Members here in the House have always been very appreciative of that. There has never been a time that I have been denied an opportunity to sit down with him in his office to go over the issues that are important to me and to the people of my district.

□ 1900

It is also important that, as the chairman said a little earlier about being from the same area, well, the Speaker and I share a county in northwest Ohio, which is Mercer County. The people there speak so highly of him.

So with all these years that have gone by, I just want to wish the Speaker, Debbie, and his whole family all the best and a great retirement.

Mr. CHABOT. I thank the gentleman for his kind words for the Speaker.

I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman very much.

I would just like to say that one of the features I like best about JOHN BOEHNER is that he wanted to be Speaker of the House. He didn't want to be President. He didn't want to head over to the other body. He didn't want a Supreme Court nomination.

He really loved this House, and that matters. That matters to all of us who continue to serve, and that matters to the historical record.

We appreciate all of the substance that he has given. Whether you agreed with him on issues or not, he definitely was a man of the House.

Mr. CHABOT. I yield to the gentlewoman from northeastern Ohio (MARCIA FUDGE), representing Cleveland down to Akron.

Ms. FUDGE. Mr. Speaker, I am proud to stand with the Ohio delegation this evening to thank you, Mr. Speaker, for your 24 years in the U.S. House of Representatives and for your lifetime of public service. You have served this Nation and the people of Ohio with distinction.

For 24 years, you have honored and respected this institution. You have worked arduously to get things done. As Speaker, you have been a leader willing to listen to all sides and address the complex issues of our time. We applaud your commitment and dedication to the House and will be forever grateful for your statesmanship and courtesy.

While we may not have always agreed, your door was always open. I could always come to you and discuss problems and issues. I respect your opinion and consider you a friend.

I speak for everyone when I say you will be missed in this House. You are a gentleman and a scholar, and it has been a pleasure and a privilege to have served with you. I wish you well in your retirement.

Mr. CHABOT. I thank the gentlewoman for her kind words.

I mentioned before in my opening statement that there are a number of rival GCL, Greater Cincinnati League, high schools. They are rivals in all sports, in academics and everything really, but especially in football.

As I mentioned, Speaker BOEHNER went to Moeller, one of those GCL schools. I went to LaSalle. Elder is another school. The fourth school, not necessarily in order because they beat LaSalle this year and for the last 5 years, is St. Xavier High School.

The next gentleman who will be sharing in this tribute to our Speaker is a graduate of St. Xavier High School, and that is BRAD WENSTRUP.

I yield to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Well, I thank you, Mr. Chairman, for yielding.

Mr. Speaker, I am here to recognize the gentleman from Reading, Ohio. It is a town in my district full of hard-working people and committed families.

Now, this man from Reading grew up in a big and very faithful family. He learned the value of hard work sweeping the floors of his father's bar and worked his way through Xavier University in Cincinnati.

When he came to Washington, he was a reformer from day one. The last man standing from the Gang of Seven, he worked to clean up corruption from the House bank in the 1990s to banning earmarks today.

For the first time in half a century, the House of Representatives decreased discretionary spending for 2 years in a row.

Mr. Speaker, with all of your service in mind, I am reminded of a Teddy Roosevelt quote. It says: ''It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena.'' And that is you.

JOHN BOEHNER attended Moeller High School, as Representative CHABOT mentioned, a school in Cincinnati that I am proud to say is a rival to my high school, St. Xavier. We beat Moeller this year, and, Mr. CHABOT, we beat LaSalle this year.

You know, through that Catholic schooling, JOHN BOEHNER committed himself to thousands of children that seek a real education and values in their lives. His support for educational choice has opened pathways of opportunity for thousands of children locked in poverty, fighting to give all students a chance to choose their own future.

For over a decade, JOHN BOEHNER has held fundraisers for scholarships for D.C. children seeking a chance in life through education at D.C. Catholic schools that otherwise they could not get.

I hope that these acts of kindness will be permanently engraved in the legacy of Speaker JOHN BOEHNER.

So thank you, Mr. Speaker, not only on behalf of the largest Republican majority since 1928, but on behalf of my family and for your and Debbie's personal kindness and guidance to us.

Good luck, Mr. Speaker. Thank you.

Mr. CHABOT. I thank the gentleman for his very kind words.

I yield to the esteemed gentleman from New York City (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Well, I am not only going to miss Speaker JOHN BOEHNER, but I am going to miss when I leave next year the Congress that JOHN BOEHNER and I have loved so much.

If Republicans think that they had a problem with JOHN BOEHNER, they should have known Jack Kemp because it was Jack Kemp who introduced me to JOHN BOEHNER. And at that time, we acknowledged that there were Democrats and Republicans, but the whole idea that you could be vindictive enough to attempt to destroy someone politically or not work together as JOHN did with George Miller in bringing Leave No Child Behind—the work that I have done on Ways and Means with trade and was so open in dealing with JOHN, who represented, not an ideology, but represented what he thought was best for the country.

To me, JOHN BOEHNER was, as so many people have said, just a regular guy, the first one in his family, like so many of us, that went to college. He entered public service and through a variety of things became the Speaker of the House, which has to be just one of the greatest sense of pride that any American could ever have.

The whole idea that there were people in this partisan time that would believe that they would want him to leave even more than Democrats would want him to leave is something that would have to be explained by history.

Of course, things are strange today. There is a Black doctor brain surgeon who is now leading for President for the Republican Party. And Donald Trump, a favorite with Saturday Night Livers, is right behind him for President. There is a big battle as to who will replace JOHN.

These are things that are just so unusual so that, while I miss JOHN, I am just missing the days when we used to come to this floor in this Congress to decide how many votes do we need to get something passed. We hoped that we would be in the majority, but the most exciting thing would be being able to work with the other side and being able to sit with the President or stand with the President and to truly feel that you were not a Democrat or Republican, but you got legislation passed.

We never called it compromise. I guess we called it just working together and enjoying working together, and that is gone. I don't know whether it will come back.

It would seem to me that JOHN is always going to be remembered as somebody that cared more about his country, his family, and this Congress than he did about being Speaker. And that is the way I want to remember him.

Thank you, Congressman CHABOT and Congresswoman KAPTUR, for giving me this opportunity.

Mr. CHABOT. I appreciate the gentleman's words. He has been around here a long time. He is a very distinguished gentleman, a Korean war veteran, and we respect you greatly.

I yield to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, what a journey. What a journey. It is a journey that I got to join after I was elected to the House in November of 2000.

My first real interaction with you, Mr. Speaker, you might remember, you were the incoming chairman of the Committee on Education and the Workforce.

As freshmen, we were putting together our requests to decide what our top committee assignments would be. Education and the Workforce wasn't one of mine, but apparently it is one of yours, not just for you as chairman but for me as freshman because you came by and you saw my list and said, ''I don't know why you are doing that. You are going to be on the Education and the Workforce Committee.'' I said, ''No, I am not.'' Yes, I was and, yes, I did. And it was an unbelievable experience. It was one which I did not expect. And as Chairman RANGEL said, it was one that made history with George Miller and the late Senator Ted Kennedy and President George W. Bush. It wouldn't have happened without the leadership of then-Chairman BOEHNER.

Boy, could he run a committee. It was really his forte, and most Americans don't even know what a great committee chairman he was. He was a committee chairman's chairman, quite frankly.

He, as leader, as Speaker, will go down in history as one who cherished that process. That process was not always what he liked or what he wanted, but he sure understood it, he sure respected it, and he sure loved it. As Mr. RANGEL knows, he was sure good at it in a bipartisan way.

In early 2006, we had an opening for majority leader. I harken back to a dinner that I was able to attend back in 2002 when I heard then-Chairman BOEHNER say, ''You know, some day I would like to be back in leadership.''

I looked at him like he was crazy. You are kidding me? How could he do that?

Do you know what he did? He just worked hard. He did the right things. He played the long game. He helped people. When the opening that nobody saw came in 2006, he won an upset race on the second ballot to become our majority leader.

The die was already cast, and we lost that election in November of 2006. The Democrats took the majority, and JOHN was our minority leader. He worked hard. Many thought that we would never see that majority again.

On November, the day before the election in 2010, I had lunch with then-Leader BOEHNER, and he said: ''We are going to take the majority back, and it is going to happen tomorrow.''

Ladies and gentlemen, history all changed when Pope Francis came. It changed because Pope Francis was here, but it changed the history of JOHN BOEHNER's speakership. I am confident history will show that JOHN BOEHNER was one of the best Speakers in the history of our country.

Mr. Speaker, Godspeed. We will miss you.

Mr. CHABOT. I thank the gentleman very much. Very inspiring.

I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, next will be Congresswoman JOYCE BEATTY, who had served as the minority leader of the Ohio Senate prior to arriving here has just arrived with such capacity, and I know she has served with JOHN BOEHNER and knows him very well.

Thank you for being here this evening, Congresswoman BEATTY.

Mr. CHABOT. I yield to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Thank you to my friend, Congresswoman MARCY KAPTUR, and Congressman CHABOT for managing tonight's Special Order.

I am proud to join my colleagues as we salute Speaker JOHN ANDREW BOEHNER for his almost 25 years of service and being elected this January to his third term as Speaker of the House.

Tonight my remarks are personal. I have had the pleasure of knowing JOHN BOEHNER for more than three decades. Although at different times we both served in the Ohio House of Representatives, he and my spouse, Otto, served and worked on many things together.

□ 1915

When I came to Congress, he invited me into his office for a cup of coffee. It is not bad to have the Speaker, the third most powerful person in the country, call you by your first name and, when we are back home, to say to others in my district that I am his friend.

As a freshman, I learned, as most of you know, that seniority is very important in this House. Well, I said, I was a freshman, so that equals no seniority. Nelson Mandela died, and I learned that there was going to be an opportunity for Members to go to South Africa to Nelson Mandela's funeral. Wow. Yes, I wanted to go.

All my colleagues said: There is one problem, Congresswoman BEATTY, and that word again appeared—seniority. I will always be so grateful for Speaker BOEHNER approving the recommendation from Leader PELOSI. Yes, I went to Nelson Mandela's funeral.

Tonight I am proud to join my colleagues in saying that Speaker BOEHNER served as a great statesman for Ohio and the Nation. The great State of Ohio has benefited greatly through his leadership.

While there are things, certainly, that we have not agreed on, we have always managed to not be disagreeable in a way that was negative for Ohio or the Nation. But there were some things that we did agree on.

There is one quote that was a very proud moment for me, as a Member of this United States Congress, when Speaker BOEHNER said: ''It was beginning to become a political football, and I just thought it was time to stop. Let's have a discussion with responsible Members of Congress to try to bring some resolution to this.''

But in his own view, Mr. Speaker, there should be no debate because, he said: ''In my view, the issue is settled. The flag should be gone.'' And, Mr. Speaker, that flag was the Confederate flag. So I say thank you, Mr. BOEHNER, for that.

Thank you, Congresswoman KAPTUR, for a recent article that I read that you wrote about Speaker BOEHNER. I think you said it all when you talked about his life here in Congress, and you said we all have benefited in our State from the great work that he has done. I agree with you.

Thank you, Mr. Speaker, for always taking my calls. Thank you for always having an open door. I leave you with these words, the words of Nelson Mandela: ''It always seems impossible until it is done.''

Thank you, Mr. Speaker. Job well done.

Mr. CHABOT. Reclaiming my time, the gentlewoman referred to having been given the opportunity to attend the funeral of the great Nelson Mandela. The Speaker actually made it possible for me to also go on a bipartisan delegation to the funeral of Pope John Paul II, and it was one of those experiences that is kind of a once-in-a-lifetime thing. It was a sad occasion, but nonetheless one that was very inspirational for me and a lot of other Members who went as well.

I now yield to the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. Mr. Speaker, I thank Chairman CHABOT for yielding to me.

Mr. Speaker, today I rise to honor a fellow Ohioan who has done so much for our country. I didn't really know JOHN BOEHNER when Congresswoman Deborah Pryce, my predecessor once removed, decided to retire. He started calling me, and I got to know him a little better. He convinced me to run for Congress to make America better and make America stronger.

The other thing I will always remember is he was very honest during that recruiting process. I remember talking to him about, ''Gee, I would like to get on the Committee on Energy and Commerce.'' He took a big drag of his cigarette, and he said, ''Not gonna happen.''

He never misled me. He never said anything that he didn't back up. I will

always respect that about him and the way he has acted his entire time for 25 years in this House. I know he will be happy to spend more time with the things and people that are important to him. He is going to spend more time with his wife, Debbie, his children, his brandnew grandson, and of course he will spend more time with his golf clubs and probably a bottle of wine.

I think it goes without saying that we will miss JOHN BOEHNER more than he will miss us. He has always been the responsible adult in the room. He has always done what is right for America, regardless of the personal cost. He has a lasting legacy in this institution, from simple traditions like the Boehner birthday song that we will sing in this institution for a very long time to policy matters, like looking after at-risk kids, both here in Washington and all around this country, enacting meaningful entitlement reform, and banning earmarks.

He also had political accomplishments: winning back a Republican majority in the House and growing that majority. His legacy will be lasting indeed. I am a better Representative for having worked with JOHN BOEHNER.

They say Washington changes you, but after 25 years in Washington, D.C., JOHN BOEHNER has never forgotten where he came from. His roots are that big, Catholic family, running a local bar in a blue collar part of Cincinnati. That background grounded him and gave him the right perspective on both life and public service. Losing JOHN BOEHNER is bad for Ohio, and I believe it is bad for America, but it is probably good for JOHN BOEHNER.

Speaker BOEHNER, on behalf of my constituents, let me say thank you for your selfless service to this country, and good luck in the future. Please don't be a stranger.

Mr. CHABOT. I thank the gentleman. Does the gentlewoman from Ohio have any further speakers?

Ms. KAPTUR. Congressman CHABOT, I have no further speakers, but I would just like to add this if I might.

Mr. CHABOT. Absolutely.

Ms. KAPTUR. That is, the circumstances that have led to Speaker BOEHNER's decision to depart this Chamber trouble me a great deal. History will report on everything that happened that has led to this point, but how sad is it that someone with that experience from our part of the country—the Great Lakes region doesn't have all that much here in terms of leadership positions—would do this for what he views as the good of the country because certain individuals seem not to be able to work as a team. If we can't work as a team, team America, then I think that really harms our entire Republic.

Speaking as the dean of our delegation, Ohio will lose a great deal by the Speaker's departure. Many times I have said in my career: How is it that the State that produced John Glenn and Neil Armstrong to both orbit the globe and land on the Moon, why do we have the smallest NASA center in the country?

There are real regional pulls inside this institution, and JOHN BOEHNER put his sword in the ground for our Great Lakes region. I worry a lot about what this means for us as other parts of the country weigh in more heavily.

As an Ohioan, understanding that there are so many things we don't have from this Federal Government, we don't have a major research center from the national energy labs; other than Wright-Patterson Air Force Base, we really don't have bases, as other parts of the country do, to the same extent, when you look at the Federal establishment in Ohio; if you look at the National Park Service and what it does west of the Mississippi versus what it does east of the Mississippi. We actually had a voice for our part of the country, so I take his leaving very personally in terms of what it means to us as a State.

I want to thank him for allowing the Ukraine Freedom Support Act to move to the floor late last year. It was one of the last agenda items of that session of Congress. I know, without his intervention, we wouldn't be where we are today in terms of trying to be relevant at liberty's edge.

I thank him for his service. As third in line to the Presidency of this country, most Americans will never know some of the burden that he bore, with knowledge that most of the rest of this Chamber does not have, but for certain he did, and he held that close to himself.

I thank him for all those quiet moments when perhaps the burden seemed almost overwhelming. I thank him for his service. I assume he will continue to be involved in some ways in the days and years ahead. He loves politics too much to just walk away from it.

I thank him on behalf of the people of Ohio for representing our State, our region, in his dutiful service to the United States of America.

Thank you, Speaker JOHN BOEHNER, from Ohio, from the heartland.

I thank Congressman CHABOT, the dean on his side of the aisle, for yielding to me.

Mr. CHABOT. Mr. Speaker, I want to thank the gentlewoman for participating this evening. We really do appreciate making this a bipartisan event.

Although our next speaker is not from Ohio, she is the next best thing, the gentlewoman from Indiana (Mrs. BROOKS), and that is no offense to our next door neighbors in Kentucky or Pennsylvania.

Mrs. BROOKS of Indiana. Mr. Speaker, I want to thank the gentleman from Ohio for spearheading this Special Order tonight and giving us the opportunity to honor Speaker BOEHNER.

Part of his legacy and what I was told about Speaker BOEHNER before I arrived here was his incredible honesty—honesty to all of us with whom he worked and honesty to the American people—his humility, his sense of humor, and his incredible patience.

I remember first coming into Congress in the 113th Congress and, in fact, it was the Speaker's wife, Debbie Boehner, who became the mentor to my husband, as a new congressional spouse. I was, quite frankly, a bit terrified of the thought of my husband being assigned to the Speaker's wife. However, they were perfect. They both enjoy an incredible sense of humor, but they also ground us, and they remind us what is important in life. I would like to thank Debbie Boehner for sharing her husband and for sharing the father of their children with the country all of these many years.

What the Speaker shared with all of us is he shared and taught all of us about the importance of this institution, its rich history, and how to serve the people of our districts with distinction and honor. Although I am a Miami of Ohio grad, I have to admit, I enjoyed a common bond with the Speaker in that my daughter played soccer for Xavier University, and so it was fun to share that love of Xavier University with him as well.

I would like to mention probably his last codel, or his last congressional trip, and I was very honored to be asked to be a part of it. It was this summer, and it was a codel to Eastern Europe, to Lithuania, Finland, and Poland, most notably, and we ended in Ireland. However, while we were in Eastern Europe, it was because of Speaker BOEHNER that he showed the Eastern European countries how vitally important it was that we stand with our allies against Russian aggression.

It was an honor to be a part of that trip because he demonstrated America's leadership and commitment to freedom and ensuring that we would stand with our friends and allies. It was an incredible learning experience for me and the others on the trip.

When I think about the Speaker, he probably has worked harder than anyone I will ever know to protect this institution. Although it is not for much longer that we will call him Mr. Speaker, I will always admire his steadfast commitment to protecting the American public and serving our country.

I must share that one of the unique aspects of his leadership and that of his terrific team which has surrounded him is they have done an incredible job sharing his experience as leader with the American public. Whether we have watched on YouTube or other ways a morning trip to the diner for breakfast, fixing his lawnmower at home, carving the turkey or, most importantly to him, the historic visit from Pope Francis, he and his staff have done an excellent job of giving the American public and the American people an inside look at the life of JOHN BOEHNER, the Speaker of the House.

He embodies the qualities of an American patriot. It has truly been an

honor to serve with him in the United States Congress. I am now so pleased he will have the opportunity to enjoy being a new grandfather and enjoy his children, Lindsay and Tricia, and of course his wife, Debbie. He will very much be missed.

Thank you, Mr. Speaker, for your commitment to our country.

Mr. CHABOT. I thank the gentlewoman for her kind words. She mentioned she is a Miami of Ohio graduate. I would just note for the RECORD that our son Randy is a graduate, and my younger brother Dave is also a graduate of that great college. I almost went there myself.

I now yield to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. I thank the gentleman for yielding, and I thank the Ohio delegation for giving us this very special opportunity to honor a man whom we all admire and appreciate.

I am not from Ohio. I am from the State of Florida. I haven't known JOHN BOEHNER nearly as long as many of my friends who have spoken here tonight. However, I can say this, Mr. Speaker: For many of us who are still relatively new here in Congress, for many of us who represent a younger generation of leaders who have come here to serve, JOHN BOEHNER is a great example—an example of decency, of sincerity, of integrity, and of profound caring for every single American and for all of us.

□ 1930

I am moved by JOHN BOEHNER's work in education, which is clearly one of his great passions. As a school board member in Miami-Dade County, I saw firsthand the difference that JOHN BOEHNER's work in education made in the lives of children, oftentimes poor children, low-income children, who would not be counted had JOHN BOEHNER not done such wonderful work in the Committee on Education and the Workforce when he was chairman.

The legislation that JOHN BOEHNER and those who served with him advanced made sure that every child counted and that no child would be counted out, no matter where they lived, the color of their skin, or where their parents came from.

So today I just say thank you to JOHN BOEHNER. I say thank you to his family.

Like the Speaker, I am the father of two girls. I know exactly how much they have sacrificed for him, for his colleagues, and for our country.

Mr. Speaker, I am a better man for having served with JOHN BOEHNER. This institution is a better institution for his service. Tonight we and the American people thank him.

Mr. CHABOT. I thank the gentleman very much.

Mr. Speaker, I yield to the gentlewoman from American Samoa (Mrs. RADEWAGEN).

Mrs. RADEWAGEN. I thank the gentleman from Ohio.

Mr. Speaker, I rise today to recognize the unwavering dedication and years of exemplary service of House Speaker JOHN BOEHNER to our great Nation.

As the Delegate to the United States of House of Representatives from American Samoa, I am always honored to address the Chamber, even more so today, so that I can acknowledge the sincerity, kindness, and years of hard work of a man that I have known for over 20 years.

As a man who has gone from the humble beginnings of a night janitor to the Speaker of the United States House of Representatives, Mr. BOEHNER is the perfect example of the American Dream fulfilled. It demonstrates that, with hard work, dedication, and a strong moral compass, one can achieve great things in our great Nation.

From the humble beginnings of a child of 12 who used to sweep floors to second in line to the Presidency, not too shabby.

I believe that the fact that he rose from very humble beginnings to the Speakership has made him the man and leader he is today, one who always made even the lowest ranking freshman feel at ease and included, and I thank him for that.

While we all know of the many achievements that this man of the people has accomplished during his illustrious career and recognize his unquestionable dedication to our Nation, many do not realize just how kind, modest, and caring he truly is as a person.

During a recent GOP retreat, I was able to spend a few minutes with the Speaker—or should I say my granddaughter Ella did. I had brought Ella, who is 2 years old, with me to the retreat so that I could spend some time with her during the breaks in between the activities.

Well, let me tell you, Ella was mesmerized by the Speaker, and I am pretty sure he felt the same. They had a conversation that only the two of them seemed to understand, and Ella was just fascinated with this very funny man who was so kindly entertaining her. This short, but memorable, interaction is one that I know Ella will be proud to recount when she is older.

Mr. Speaker, I ask that the House rise and join me in saluting the 53rd Speaker of the United States House of Representatives, JOHN BOEHNER, and also thank him for his unwavering dedication and outstanding service to our grateful Nation.

Mr. CHABOT. I thank the gentlewoman for her kind and inspiring remarks.

Mr. Speaker, I now yield to the gentlewoman from Virginia (Mrs. COMSTOCK).

Mrs. COMSTOCK. Mr. Speaker, I rise today to honor Speaker JOHN BOEHNER, a hardworking, dedicated gentleman who has served this institution with dignity and diligence.

His perseverance in this role has been a true service to the Nation. He is a class act whose respect for the institution and his love of country are extraordinary.

I have been privileged to work with Speaker BOEHNER, first when I was a congressional staffer on Capitol Hill back in the nineties, when I worked for my predecessor. At that time, Republicans took a historic majority in 1994 and Speaker BOEHNER then was in the leadership.

Then this year I was able to join, as a Member of Congress myself, with the largest Republican majority since the 1920s and serve with Speaker BOEHNER once again.

I know from that experience, both as a staffer as well as a Member, the incredible, great treatment he always gave his staff, how we all know the legendary ''Boehnerland,'' and how he has always been so wonderful to work with. All of them continue to keep in touch with him.

Speaker BOEHNER has taken on each of these tasks, when he was a Member, when he was a Gang of Seven member, when he was a chairman, when he was a leader, and now a Speaker, with an energy and willingness, regardless of the headwinds.

He is an honorable man of faith and conviction who has always served his constituents and the American people, particularly children and the most vulnerable, in a faithful and consistent way.

I particularly appreciate the Speaker bringing this year the Prime Minister of Israel, Mr. Netanyahu, and Pope Francis to this body to make historic addresses to Congress, addresses that we will always remember and that were just inspiring this year. I so appreciate his leadership in insisting on having us hear from those wonderful leaders of the world.

He has always served as a patriot committed to our founding principles. He will be missed by many on both sides of the aisle, although I know he welcomes this new chapter in his life. I am very happy that he will be able to spend more time with his beloved new grandson and his family.

I thank Speaker BOEHNER for his service to this country, and I wish him well again as he begins this new chapter in his life.

Mr. CHABOT. I thank the gentlewoman very much for her remarks this evening, and I thank all the Members who came here, on both sides of the aisle, to speak.

I want to particularly thank Ms. KAPTUR for participating in this tribute to Speaker BOEHNER so that it was truly bipartisan this evening.

I have some concluding remarks. I don't think there are any more speakers following that. I think we have just about enough time.

I already said a few things about JOHN, but let me continue. JOHN BOEHNER was born in 1949. He was the second of 12 children, 9 boys and 3 girls. His parents, Mary Anne and Earl Henry Boehner, ran the family business, Andy's Bar, in Carthage, which is a neighborhood in my district. JOHN'S grandfather opened that bar back in 1938.

JOHN grew up in a two-bedroom house in Reading, with JOHN sharing one bedroom with three brothers, while his sister had the other. His parents slept on the pull-out couch.

Although his father would later build a three-bedroom addition to the house, JOHN still had to share a single bathroom with his 11 brothers and sisters. So he learned how to manage conflict early in his life.

Also, as the second oldest, he had to help his parents out not only around the house with his younger brothers and sisters, but also with the family business.

At age 8, JOHN began to work at Andy's Bar, starting by mopping floors. Later he would wait on tables. In doing so, JOHN learned the value of a dollar and the importance of hard work.

JOHN attended Moeller High School, as we have mentioned a few times this evening, and he played linebacker for future Notre Dame Head Coach Gerry Faust at Moeller. Playing in the GCL for Coach Faust, JOHN learned that you can achieve any goal in life if you are willing to work hard and to make the necessary sacrifices.

As hard as it is for a LaSalle Lancer like myself to praise a Moeller Crusader, it is clear to me that JOHN learned that lesson well, and his life and career are a testament to that message.

After graduating from high school in 1968, JOHN enlisted in the Navy while America was heavily involved in Vietnam. He was later honorably discharged due to a bad back, an injury he had suffered as a teenager working at the family bar.

After holding several entry-level jobs, JOHN then set his sights on a college degree. With the encouragement of William Smith, a professor at Xavier University and high school football referee who was mentoring him about refereeing local sports, JOHN decided to attend Xavier.

Throughout his time at Xavier University, JOHN juggled numerous jobs, although his primary job was as a janitor for a Reading company. His hard work paid off, and he graduated from Xavier in 1977, becoming the first person in his family to graduate from college.

But his work as a janitor had another more important reward. He met his wife of 42 years, Debbie, who worked in the accounting department at the same company. They would marry in 1973, the same year my wife and I were married, and raised two daughters, Lindsay and Tricia, and now a grandson, Alistair. My wife and I also have two children, a daughter and a son, and one grandson so far.

After graduating from Xavier, JOHN was hired as a salesman for a small packaging and plastics company. Through hard work and determination, he steadily worked his way up the company ladder, ultimately serving as president of the company. He resigned from that position when he was elected to Congress in 1990.

In that job, JOHN learned what it takes to survive in a small business and he learned all too well how difficult it is for small businesses to deal with the regulatory and tax burdens imposed by the government. He brought that understanding to Washington, where he has fought for smaller, less-intrusive government.

JOHN got his start in politics by getting involved in his local homeowners association. That experience led him to run for Township Trustee in Butler County's Union Township, now called West Chester Township, in part, to distinguish it from 27 other Union Townships in Ohio, including one in my district, where he served from 1981 to 1984.

In 1984, he was elected to the Ohio House of Representatives, where Republicans were heavily outnumbered by Democrats at the time. In 1990, he won a four-person Republican primary for Ohio's Eighth Congressional District.

Although his victory was somewhat surprising in local political circles at the time, looking back now, it is more surprising that he wasn't the favorite.

Upon his election to Congress, JOHN became a member of the so-called Gang of Seven, a group of Republicans who regularly battled with congressional leadership. Sounds like something around here in modern times.

The Gang of Seven played a pivotal role in exposing the House Bank and post office scandals.

Early on in his congressional career, JOHN also worked closely with Newt Gingrich and helped to draft the Contract with America, a set of principles to which Republican candidates from all over the country agreed, including myself.

It was those principles that propelled the Republican wave in 1994 and led to the first Republican majority in the House of Representatives in 40 years.

Throughout his time in Congress, JOHN has advocated commonsense reforms in the House and in the broader government. In addition to fighting to close the House Bank as part of the Contract with America, he also pushed for the requirement that Congress live by the same rules it imposes on the rest of the American people.

Later, to help promote transparency in the appropriations process, JOHN enacted the first ban on earmarks in the House.

Although he will be remembered for many things, these reforms may have the most enduring impact on the credibility and integrity of this institution, the House of Representatives, the people's House.

However, knowing JOHN like I know him, I would guess that his fondest memory will be Pope Francis' visit to Washington and his address to Congress right here in this very room. It was truly a historic and monumental event, as Pope Francis became the first sitting pontiff to address a joint session of Congress ever.

Millions of Americans, myself included, were moved by the Pope's message about a spiritual path to a better future, particularly his call on all of us to strengthen our families, protect the sanctity of life, and help the less fortunate among us.

It was an amazing moment for this House and this country, and it wouldn't have been possible without Speaker JOHN BOEHNER. I know it has been one of his top goals since he was in the Republican leadership back in the nineties, and I think it is a fitting finale to a very distinguished career.

Ultimately, I hope that JOHN BOEHNER is remembered like he would say, as a regular guy who rose from humble beginnings to become the leader of the people's House, as a leader who never stopped believing that the American people can overcome any obstacles, and as a crusader who fought for a smaller, less-intrusive, and more accountable government.

Of course, I will always remember him as a friend.

Thank you, JOHN, for your service to our Nation.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 44 minutes p.m.), the House stood in recess.

□ 0013

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STIVERS) at 12 o'clock and 13 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 1314, ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT

Mr. COLE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–315) on the resolution (H. Res. 495) providing for consideration of the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROSKAM (at the request of Mr. MCCARTHY) for October 26 and today on account of a matter requiring his personal attention in the 6th Congressional District of Illinois.

Mr. TAKAI (at the request of Ms. PELOSI) for October 26 and today.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 313. An act to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on October 26, 2015, she presented to the President of the United States, for his approval, the following bills:

H.R. 774. To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

H.R. 323. To designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the ''Sgt. Amanda N. Pinson Post Office.''

H.R. 324. To designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the ''Lt. Daniel P. Riordan Post Office.''

H.R. 558. To designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the ''Richard 'Dick' Chenault Post Office Building.''

H.R. 1442. To designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the ''Staff Sergeant Robert H. Dietz Post Office Building.''

H.R. 1884. To designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the ''Officer Daryl R. Pierson Memorial Post Office Building.''

H.R. 3059. To designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the James Robert Kalsu Post Office Building.

H.R. 322. To designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the ''Sgt. Zachary M. Fisher Post Office.''

ADJOURNMENT

Mr. COLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, October 28, 2015, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3257. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter authorizing three officers to wear the insignia of the grade of brigadier general, in accordance with 10 U.S.C. 777; to the Committee on Armed Services.

3258. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report covering the period from June 15, 2015 to August 14, 2015, pursuant to the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243) and the Authorization for Use of Military Force Against Iraq Resolution of 1991 (Pub. L. 102-1); to the Committee on Foreign Affairs.

3259. A letter from the Clerk, United States Court of Appeals for the Third Circuit, transmitting an opinion of the United States Court of Appeals for the Third Circuit, C.A. No. 14-1387, G.L.; et al. v. Ligonier Valley School District Authority, Appellant (September 22, 2015); to the Committee on the Judiciary.

3260. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-4203; Directorate Identifier 2015-NM-142-AD; Amendment 39-18299; AD 2015-21-07] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3261. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. Turboshaft Engines [Docket No.: FAA-2015-0486; Directorate Identifier 2015-NE-07-AD; Amendment 39-18282; AD 2015-20-04] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3262. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. Turbofan Engines [Docket No.: FAA-2015-0277; Directorate Identifier 2015-NE-05-AD; Amendment 39-18262; AD 2015-18-04] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3263. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes [Docket No.: FAA-2015-0684; Directorate Identifier 2014-NM-215-AD; Amendment 39-18285; AD 2015-20-06] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3264. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Sailplanes [Docket No.: FAA-2015-3224; Directorate Identifier 2015-CE-026-AD; Amendment 39-18290; AD 2015-20-11] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3265. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2014-1046; Directorate Identifier 2014-NM-021-AD; Amendment 39-18286; AD 2015-20-07] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3266. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2015-3877; Directorate Identifier 2015-SW-039-AD; Amendment 39-18284; AD 2015-18-51] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3267. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. Turboprop Engines [Docket No.: FAA-2013-1059; Directorate Identifier 2013-NE-36-AD; Amendment 39-17896; AD 2014-14-02] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3268. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2014-0128; Directorate Identifier 2013-NM-133-AD; Amendment 39-18278; AD 2015-19-16] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3269. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2015-0493; Directorate Identifier 2014-NM-184-AD; Amendment 39-18283; AD 2015-20-05] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3270. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2015-4085; Directorate Identifier 2015-CE-033-AD; Amendment 39-18292; AD 2015-20-13] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3271. A letter from the Management and Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-3981; Directorate Identifier 2015-NM-126-AD; Amendment 39-18280; AD 2015-20-02] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3272. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sheridan, AR [Docket No.: FAA-2015-1388; Airspace Docket No.: 15-ASW-3] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3273. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan

Engines [Docket No.: FAA-2008-0808; Directorate Identifier 2008-NE-18-AD; Amendment 39-18288; AD 2015-20-09] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3274. A letter from the Management and Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Springfield, MO [Docket No.: FAA-2014-0559; Airspace Docket No.: 14-ACE-6] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3275. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation by Reference Amendments [Docket No.: 2015-3375; Amendment No.: 71-47] (RIN: 2120-AA66) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3276. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0108; Directorate Identifier 2011-NM-049-AD; Amendment 39-18215; AD 2015-15-06] (RIN: 2120-AA64) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3277. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace for the following Iowa towns: Audubon, IA; Corning, IA; Cresco, IA; Eagle Grove, IA, Guthrie Center, IA; Hampton, IA; Harlan, IA; Iowa Falls, IA; Knoxville, IA; Oelwein, IA; and Red Oak, IA [Docket No.: FAA-2015-0368; Airspace Docket No.: 14-ACE-9] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3278. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ponce, PR [Docket No.: FAA-2014-0967; Airspace Docket No.: 14-ASO-19] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3279. A letter from the Management and Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Stockton, CA [Docket No.: FAA-2015-1622; Airspace Docket No.: 15-AWP-9] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3280. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification to Restricted Areas R-3602A & R-3602B; Manhattan, KS [Docket No.: FAA-2015-3758; Airspace Docket No.: 15-ACE-1] (RIN: 2120-AA66) received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3281. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification to Restricted Areas R-3601A & R-3601B; Brookville, KS [Docket No.: FAA-2015-3780; Airspace Docket No.: 15-ACE-5] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3282. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Newport, NH [Docket No.: FAA-2014-0037; Airspace Docket No.: 14-ANE-3] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3283. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marshall, AR [Docket No.: FAA-2015-1833; Airspace Docket No.: 15-ASW-7] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3284. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cottonwood, AZ [Docket No.: FAA-2015-2270; Airspace Docket No.: 12-AWP-11] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3285. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ashland, VA [Docket No.: FAA-2015-0252; Airspace Docket No.: 15-AEA-1] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3286. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Springfield, OH [Docket No.: FAA-2014-1071; Airspace Docket No.: 14-AGL-15] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

3287. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace, Revocation of Class E Airspace; Mountain Home, ID [Docket No.: FAA-2015-1136; Airspace Docket No.: 15-ANM-12] received October 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 2212. A bill to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes; with an amendment (Rept. 114–314). Referred to the Committee of the Whole House on the state of the Union.

[October 28 (legislative day, October 27), 2015]

Mr. COLE: Committee on Rules. House Resolution 495. Resolution providing for consideration of the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations. (Rept. 114–315). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. LAWRENCE (for herself and Ms. LEE):

H.R. 3834. A bill to amend GEAR UP to require that schools receiving funding under the program provide students with access to academic and mental health counseling services, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BROOKS of Alabama:

H.R. 3835. A bill to increase the statutory limit on the public debt by $1 trillion upon the adoption by Congress of a balanced budget Constitutional amendment and by an additional $1 trillion upon ratification by the States of that amendment; to the Committee on Ways and Means.

By Mr. CASTRO of Texas (for himself, Ms. BASS, and Mr. RANGEL):

H.R. 3836. A bill to require a report on diversity recruitment, employment, retention, and promotion at the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself and Mr. LEWIS):

H.R. 3837. A bill to strengthen the current protections available under the National Labor Relations Act by providing a private right of action for certain violations of such Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFRIES (for himself, Ms. NORTON, Mr. RANGEL, Mr. CLAY, Ms. LEE, Ms. KELLY of Illinois, Mrs. BEATTY, Ms. CLARKE of New York, Ms. BASS, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. BISHOP of Georgia, Mr. RICHMOND, Mr. PAYNE, Ms. ADAMS, Mr. VEASEY, Mr. JOHNSON of Georgia, Mr. HASTINGS, Mr. CLEAVER, Ms. EDWARDS, Ms. PLASKETT, and Mr. RUSH):

H.R. 3838. A bill to amend title 13, United States Code, to provide that individuals in prison shall, for the purposes of a decennial census, be attributed to the last place of residence before incarceration; to the Committee on Oversight and Government Reform.

By Mrs. NOEM:

H.R. 3839. A bill to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3840. A bill to amend title 49, United States Code, with respect to prohibiting the use of electronic cigarettes on passenger

flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROYBAL-ALLARD (for herself, Ms. MATSUI, Mr. TAKANO, Ms. CLARK of Massachusetts, Ms. EDWARDS, Mr. RICHMOND, and Ms. BORDALLO):

H.R. 3841. A bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself, Mr. DESANTIS, Mr. GOSAR, Mr. DESJARLAIS, Mr. FARENTHOLD, Mr. WALBERG, Mr. JODY B. HICE of Georgia, Mr. PALMER, Mr. WALKER, Mr. MULVANEY, Mr. JORDAN, Mr. RUSSELL, Mr. CARTER of Georgia, Mr. GROTHMAN, Mrs. LUMMIS, Mr. HURD of Texas, Mr. AMASH, Mr. TURNER, and Mr. MASSIE):

H. Res. 494. A resolution impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MICHAEL F. DOYLE of Pennsylvania:

H. Res. 496. A resolution recognizing the 50th anniversary of the Department of Computer Science at Carnegie Mellon University; to the Committee on Education and the Workforce.

By Mr. GROTHMAN:

H. Res. 497. A resolution congratulating Army Reserve Major Lisa Jaster on her graduation from the Army Ranger School; to the Committee on Armed Services.

By Mr. MURPHY of Pennsylvania (for himself and Mrs. DINGELL):

H. Res. 498. A resolution expressing support for designation of October 2015 as ''National Breast Cancer Awareness Month''; to the Committee on Energy and Commerce.

By Mr. PIERLUISI (for himself, Ms. NORTON, and Ms. BORDALLO):

H. Res. 499. A resolution amending the Rules of the House of Representatives to allow Delegates and the Resident Commissioner to file, sign, and call up discharge petitions; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. LAWRENCE:

H.R. 3834.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BROOKS of Alabama:

H.R. 3835.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. The Congress shall have Power. . . to pay debts. . .

Article V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution. . .

By Mr. CASTRO of Texas:

H.R. 3836.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Authority—Necessary and Proper Clause (Art. I, Sec. 8, Clause 18)

THE U.S. CONSTITUTION ARTICLE I, SECTION 8: POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . .To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. ELLISON:

H.R. 3837.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 18 of the U.S. Constitution.

By Mr. JEFFRIES:

H.R. 3838.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mrs. NOEM:

H.R. 3839.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Ms. NORTON:

H.R. 3840.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution.

By Ms. ROYBAL-ALLARD:

H.R. 3841.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 20: Mr. KILDEE.
H.R. 67: Mr. TED LIEU of California.
H.R. 415: Mr. BLUMENAUER and Ms. MENG.
H.R. 452: Ms. MOORE.
H.R. 540: Mr. TAKANO.
H.R. 563: Mrs. BUSTOS.
H.R. 592: Mr. CICILLINE, Mrs. DINGELL, and Mrs. WATSON COLEMAN.
H.R. 602: Mr. CURBELO of Florida.
H.R. 663: Ms. PINGREE.
H.R. 740: Mr. ASHFORD.
H.R. 769: Mr. DUNCAN of Tennessee.
H.R. 836: Mr. NUNES and Mr. WOODALL.
H.R. 845: Mr. CÁRDENAS.
H.R. 870: Ms. BASS.
H.R. 953: Mr. SMITH of Texas, Mr. JEFFRIES, and Mr. O'ROURKE.
H.R. 1027: Ms. DELAURO.
H.R. 1145: Mr. GUINTA and Mr. TONKO.
H.R. 1197: Mr. MARCHANT, Mr. DUNCAN of Tennessee, and Mr. POMPEO.
H.R. 1209: Mr. MACARTHUR.
H.R. 1220: Mr. NORCROSS, Mr. SALMON, Mr. LUCAS, and Mr. MULLIN.
H.R. 1221: Mr. RUPPERSBERGER.
H.R. 1247: Mr. KIND.
H.R. 1258: Mrs. KIRKPATRICK and Mr. HANNA.
H.R. 1288: Mr. GOODLATTE.
H.R. 1301: Mr. KELLY of Pennsylvania.
H.R. 1309: Mr. ROKITA.
H.R. 1312: Ms. TITUS.
H.R. 1343: Ms. ROYBAL-ALLARD and Mr. CULBERSON.
H.R. 1427: Mr. KELLY of Pennsylvania.
H.R. 1439: Mr. JEFFRIES and Mrs. BEATTY.
H.R. 1441: Mr. SWALWELL of California.
H.R. 1453: Mr. TOM PRICE of Georgia.
H.R. 1550: Mr. FINCHER.
H.R. 1567: Mr. MCCAUL, Mr. SERRANO, Mr. HONDA, Ms. KAPTUR, and Ms. ROYBAL-ALLARD.
H.R. 1604: Mr. HUELSKAMP.
H.R. 1625: Mr. BEYER and Mr. SWALWELL of California.
H.R. 1671: Mrs. WAGNER.
H.R. 1728: Ms. KUSTER and Ms. CLARK of Massachusetts.
H.R. 1745: Mr. BLUMENAUER.
H.R. 1751: Ms. MOORE.
H.R. 1763: Mr. NOLAN, Mr. PETERS, Mr. DANNY K. DAVIS of Illinois, Ms. FUDGE, and Mr. FRANKS of Arizona.
H.R. 1769: Mr. HANNA.
H.R. 1779: Ms. BASS.
H.R. 1786: Mr. ROTHFUS, Ms. KELLY of Illinois, Mr. CUMMINGS, Ms. ROYBAL-ALLARD, Mrs. BEATTY, Ms. MAXINE WATERS of California, Mr. RYAN of Ohio, Mrs. DAVIS of California, Mr. CASTRO of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. CLYBURN.
H.R. 1853: Mr. DONOVAN, Mr. BISHOP of Georgia, Ms. KAPTUR, Ms. TITUS, Mr. FLEISCHMANN, Mr. JOHNSON of Georgia, Mr. MEEKS, Mr. CRENSHAW, Mr. AL GREEN of Texas, Ms. MENG, Mr. ISRAEL, Mr. DAVID SCOTT of Georgia, Mr. KELLY of Pennsylvania, Mr. WALKER, Mr. BRADY of Pennsylvania, Mr. JONES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRAWFORD, Mr. CLAY, Mr. CURBELO of Florida, Mr. LAMALFA, and Mrs. WAGNER.
H.R. 1984: Mr. PERLMUTTER and Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2065: Miss RICE of New York, Ms. KAPTUR, Mr. KILDEE, Mr. STIVERS, Ms. STEFANIK, and Mr. RYAN of Ohio.
H.R. 2224: Mr. NOLAN, Ms. SLAUGHTER, and Mr. HONDA.
H.R. 2355: Ms. SCHAKOWSKY.
H.R. 2400: Mr. DENT and Ms. ROS-LEHTINEN.
H.R. 2643: Mr. KILDEE.
H.R. 2646: Ms. ROS-LEHTINEN, Mr. YOUNG of Iowa, and Mr. MEEHAN.
H.R. 2692: Mr. NOLAN.
H.R. 2710: Mr. MESSER and Mr. BARLETTA.
H.R. 2759: Mr. KATKO.
H.R. 2764: Mr. CICILLINE and Mr. HASTINGS.
H.R. 2798: Mr. DESAULNIER.
H.R. 2813: Mr. CONYERS and Mr. DEUTCH.
H.R. 2880: Mr. POLLS.
H.R. 2894: Ms. TITUS.
H.R. 2902: Mr. DEFAZIO, Mr. LARSEN of Washington, Ms. WILSON of Florida, Ms. ESTY, Mr. COURTNEY, Mr. GALLEGO, Mr. HECK of Washington, Mr. KEATING, Ms. LEE, Mr. SEAN PATRICK MALONEY of New York, Mr. DELANEY, Mr. CROWLEY, Ms. BROWN of Florida, Mr. DAVID SCOTT of Georgia, Mr. RYAN of Ohio, Mr. HASTINGS, Ms. MOORE, Mr. ENGEL, Ms. CASTOR of Florida, Mr. GARAMENDI, Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. HUFFMAN, Mr. RANGEL, Ms. SPIER, Mr. SERRANO, Mr. SARBANES, Ms. FRANKEL of Florida, Mr. RUPPERSBERGER, Mr. WELCH, Ms. SLAUGHTER, Mrs. BUSTOS, Mr. FARR, Mr. QUIGLEY, Ms. KUSTER, and Ms. ROYBAL-ALLARD.
H.R. 2903: Mr. KINZINGER of Illinois.
H.R. 2939: Mr. BLUMENAUER and Mr. DEUTCH.
H.R. 3032: Mr. KILDEE.
H.R. 3046: Mr. VARGAS.
H.R. 3055: Mr. CRAWFORD.
H.R. 3067: Mr. HASTINGS.
H.R. 3071: Ms. MENG.
H.R. 3110: Mr. JOLLY.
H.R. 3119: Mr. ROSS and Ms. JACKSON LEE.

H.R. 3126: Mr. DUNCAN of South Carolina.
H.R. 3159: Mr. YOUNG of Iowa.
H.R. 3238: Mr. CRAMER.
H.R. 3250: Mr. BURGESS and Mr. GUTHRIE.
H.R. 3257: Mr. HUFFMAN.
H.R. 3279: Mr. POE of Texas and Mr. TROTT.
H.R. 3309: Mr. RUSSELL.
H.R. 3312: Mr. MACARTHUR.
H.R. 3314: Mrs. LUMMIS, Mr. YOHO, Mr. LABRADOR, and Mr. ABRAHAM.
H.R. 3323: Mr. OLSON.
H.R. 3339: Mr. POLIQUIN.
H.R. 3351: Mr. WELCH, Mr. COHEN, and Mrs. WATSON COLEMAN.
H.R. 3355: Mr. BURGESS.
H.R. 3364: Mr. PETERS and Mr. LOWENTHAL.
H.R. 3381: Mr. CONNOLLY, Mr. DESAULNIER, Ms. ROYBAL-ALLARD, and Mr. CARSON of Indiana.
H.R. 3406: Mr. THOMPSON of Mississippi.
H.R. 3411: Mrs. WATSON COLEMAN.
H.R. 3427: Mr. SERRANO, Mr. GUTIÉRREZ, Mr. JEFFRIES, Mr. MCGOVERN, Mr. TAKANO, and Mr. VAN HOLLEN.
H.R. 3459: Mr. HANNA, Mrs. BLACK, and Mrs. ROBY.
H.R. 3471: Mr. LUETKEMEYER.
H.R. 3488: Mr. TIPTON.
H.R. 3520: Mr. OLSON.
H.R. 3532: Mr. GARAMENDI.
H.R. 3546: Mr. SMITH of New Jersey, Ms. CASTOR of Florida, Mr. PETERS, Ms. PINGREE, and Ms. MCSALLY.
H.R. 3582: Mr. LOEBSACK.
H.R. 3680: Mr. BUCSHON.
H.R. 3686: Mr. LATTA.
H.R. 3687: Mr. AUSTIN SCOTT of Georgia, Mr. PETERSON, Mr. RODNEY DAVIS of Illinois, Mr. WOODALL, and Mrs. BUSTOS.
H.R. 3696: Mr. PETERSON, Mr. SABLAN, Mr. O'ROURKE, Mr. GARAMENDI, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIÉRREZ, Ms. KUSTER, and Mr. AGUILAR.
H.R. 3700: Mr. PEARCE.
H.R. 3706: Mr. JOLLY.
H.R. 3727: Mr. POCAN.
H.R. 3743: Mr. OLSON.
H.R. 3745: Mr. BRIDENSTINE.
H.R. 3776: Mr. RIBBLE and Mr. DUNCAN of South Carolina.
H.R. 3780: Mr. BENISHEK.
H.R. 3785: Ms. LOFGREN, Mr. HOYER, Ms. DELBENE, Mr. MURPHY of Florida, Mr. TONKO, Mr. BECERRA, Mr. LEWIS, Mr. KENNEDY, Mr. DOGGETT, Ms. WILSON of Florida, Mr. TED LIEU of California, and Ms. ESTY.
H.R. 3793: Mr. PETERS and Mr. SWALWELL of California.
H.R. 3799: Mr. DUNCAN of South Carolina, Mr. ABRAHAM, Mr. SCHWEIKERT, and Mr. BUCK.
H.R. 3801: Mr. BEYER and Mr. HONDA.
H.R. 3802: Mr. BARR.
H.R. 3807: Mr. ELLISON, Mr. LARSEN of Washington, Mr. BRADY of Texas, and Mr. CONNOLLY.
H.R. 3818: Mr. BENISHEK.
H.R. 3830: Mr. SERRANO, Mr. MEEKS, Mr. RANGEL, Mr. ELLISON, Mr. FARR, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. NADLER, Mr. CROWLEY, Mr. HONDA, and Ms. CLARKE of New York.
H.R. 3831: Ms. SINEMA.
H. J. Res. 14: Mr. POMPEO and Mr. MASSIE.
H. Con. Res. 40: Mr. BECERRA and Mr. VAN HOLLEN.
H. Con. Res. 65: Ms. DUCKWORTH.
H. Res. 14: Mr. ROHRABACHER.
H. Res. 112: Mr. DESJARLAIS.
H. Res. 354: Mr. MACARTHUR, Mrs. WATSON COLEMAN, and Mr. DUNCAN of South Carolina.
H. Res. 396: Mr. DEFAZIO.
H. Res. 416: Ms. DELBENE, Mrs. BLACKBURN, and Mr. BISHOP of Georgia.
H. Res. 428: Mr. CARTWRIGHT.
H. Res. 432: Mr. COFFMAN.
H. Res. 451: Mr. JOYCE, Mrs. BLACKBURN, and Mr. OLSON.
H. Res. 485: Mr. KLINE and Mr. HUDSON.
H. Res. 492: Mr. COSTA.

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PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, we have heard of Your greatness from generation to generation. You sit enthroned in majesty, for Your glory covers all the Earth.

Today, bless and sustain our lawmakers and their staffs. May their words and deeds honor You. Lord, guide them in righteous paths that will keep America strong. Equip them to conduct the work of freedom with justice and humility. Give them contentment that comes from knowing and serving You.

Guide America, making it a lighthouse for a dark and turbulent world. Lord, thank You for being our strength and shield.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

FISCAL AGREEMENT AND CYBERSECURITY INFORMATION SHARING BILL

Mr. MCCONNELL. Mr. President, as colleagues have no doubt already noted, a fiscal agreement has been filed that addresses a number of important issues. Members currently have the opportunity to review it. I hope they will take that opportunity. I will certainly have more to say on the matter later. But for now, I encourage all our colleagues to examine the agreement.

On the legislation before the Senate today, the challenges posed by cyber attacks are real and they are growing. They don't just threaten governments and businesses; they threaten individuals as well. Everyone understands that a cyber attack can be a deeply invasive attack on personal privacy. Everyone understands that a cyber attack can be financially crippling. That is why everyone should want to see the bipartisan cyber security bill before us pass today.

Its voluntary information sharing provisions are key to defeating cyber attacks and protecting the personal information of the people we represent. We also know the bill contains measures to protect civil liberties and individual privacy.

It is no wonder the Senate voted to advance it by a large bipartisan vote of 83 to 14 last week. I want to thank Chairman BURR and Vice Chairman FEINSTEIN of the Intelligence Committee for their continued hard work on this legislation. We will consider a number of amendments from both sides of the aisle today. Then we will proceed to a final vote on the underlying bill. I urge every colleague to join me in voting to protect the personal data, privacy, and property of the American people.

ENERGY REGULATIONS

Mr. MCCONNELL. Mr. President, on one final matter, the Obama administration recently published massive energy regulations that will not do a thing to meaningfully affect global carbon levels. It will not make a noticeable difference to the global environment. But it will ship more middle-class jobs overseas. It will punish the poor. It will make it even harder for coal families in States such as Kentucky to put food on the table. In other words, it is facts-optional extremism wrapped in callous indifference. Senators from both parties are saying: Enough is enough.

We filed bipartisan measures that would allow Congress to overturn these two-pronged regressive regulations. I joined Senator HEITKAMP and Senator CAPITO on a measure that would address the prong that pertains to the existing energy sources. Senator MANCHIN joined me as I introduced a measure that would address the prong that pertains to new energy sources. Together these measures represent a comprehensive solution. Colleagues will join me to speak about these resolutions later today. I am sure they will say more about the measures we filed and the process associated with them.

But what everyone should know is this: The publication of these regulations does not represent an end but a beginning. It is the beginning of a new front to defend hard-working middle-class Americans from massive, massive regulations that target them. That front is opening here in Congress, and it is opening across the country as States file lawsuits and Governors stand up for their own middle-class constituents. The battle may not be short, and the battle may not be easy, but Kentuckians and hard-working Americans should know that I am going to keep standing up for them throughout this effort.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BUDGET AGREEMENT

Mr. REID. Mr. President, Democrats have long called for bipartisan action to stop these devastating sequester cuts because they hurt our middle class

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and our military. With this agreement the Republican leader just mentioned, we have done just that. Democrats and Republicans have come to a responsible agreement that puts the needs of our Nation above the Republicans' partisan agenda. While this agreement is not perfect, it does address both investment in domestic priorities that benefit the middle class and defense spending. It helps us avoid a major threat to jobs and the general economy. The time to do away with the devastating sequester cuts that are harming our middle class and military is not in the future. It is right now. Democrats hope to end sequestration for the good of our great country.

Our work is not done. I hope that we can continue to work together—Democrats and Republicans—to pass this legislation and place the priorities of the American people ahead of partisan politics.

CYBER SECURITY LEGISLATION AND CLIMATE CHANGE

Mr. REID. Mr. President, it was 3 years ago this month that then-Secretary of Defense Leon Panetta warned the United States of a potential ''cyber Pearl Harbor.'' A cyber Pearl Harbor would be crippling, and it would be a cyber attack on our Nation's banks, power grid, government, and communications network.

If it sounds scary, that is because it is scary. Cyber terrorists could potentially bring the United States to its knees. This potentiality is upon us. A catastrophic cyber attack is not farfetched. Ted Koppel, the renowned journalist, has written another book, and the author reveals that our Nation's power grid is extremely vulnerable to cyber terrorism. Imagine the toll of these attacks: massive power blackouts, no telephone, no Internet capability—that is on your cell phones or whatever phones exist—overwhelmed first responders and an infrastructure system reduced to chaos.

How vulnerable is our Nation to a cyber attack of this magnitude?

Former Secretary of Homeland Security Janet Napolitano, in the book that was written, as I indicated, by Ted Koppel, stated that the likelihood of an attack on our Nation's power grid is 80 to 90 percent—80 percent to 90 percent.

Craig Fugate, the Administrator of the Federal Emergency Management Agency, has had to think about a potential cyber attack. It is his job. Listen to his assessment:

> We're not a country that can go without power for a long period of time without loss of life. Our systems, from water treatment to hospitals to traffic control to all these things that we expect every day, our ability to operate without electricity is minimal.

A number of years ago we had, at the direction of Senator MIKULSKI—a longtime member of the Intelligence Committee—a meeting where such an attack was discussed and the implications of it. That was years ago. It was frightening then, and it is even more frightening now. But as Mr. Fugate indicated, that is the scale of threat the United States faces with cyber terrorism.

We as a country must do more to protect ourselves against this cyber terrorism. It can be done if Republicans will work with us. Democrats tried to pass comprehensive cyber security legislation years ago. What happened? It was filibustered by the Republicans. They wouldn't even let us on this legislation. They wouldn't even allow us to debate the bill. Whatever their reasoning, I am glad the Republicans have finally changed course in this decision and allowed this simple bill to move forward. We support this legislative effort, but we recognize that it is far, far too weak.

Cyber terrorism and cyber attacks are part of today's world. But Republicans are denying the seriousness of this, as they are denying something clear to everyone in the world except my Republican Senate and House Members. We have climate change taking place that is really hurting everybody, with rare, rare exception. Cyber terrorism and cyber attacks are part of today's world, just like climate change. To not move forward with more comprehensive cyber security legislation and to ignore what is happening in our world dealing with climate change will in the years to come be considered legislative malpractice. I am sorry to say that legislative malpractice is not on our shoulders. We wanted for years to do something with climate change. We can't. It is not even something that the Republicans will allow us to discuss. We wanted for years to do something with cyber security. They refused to do so. We have a bill before us that is better than nothing, and we support it. But it is far, far too weak.

Mr. President, I see the assistant Democratic leader on the floor. Would the Chair announce before he talks to us what we are going to do here today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CYBERSECURITY INFORMATION SHARING ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 754, which the clerk will report.

The senior assistant legislative clerk read as follows:

> A bill (S. 754) to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

Pending:

Burr/Feinstein amendment No. 2716, in the nature of a substitute.

Burr (for Cotton) modified amendment No. 2581 (to amendment No. 2716), to exempt from the capability and process within the Department of Homeland Security communication between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding cybersecurity threats.

Feinstein (for Coons) modified amendment No. 2552 (to amendment No. 2716), to modify section 5 to require DHS to review all cyber threat indicators and countermeasures in order to remove certain personal information.

Burr (for Flake/Franken) amendment No. 2582 (to amendment No. 2716), to terminate the provisions of the Act after ten years.

Feinstein (for Franken) further modified amendment No. 2612 (to amendment No. 2716), to improve the definitions of cybersecurity threat and cyber threat indicator.

Burr (for Heller) modified amendment No. 2548 (to amendment No. 2716), to protect information that is reasonably believed to be personal information or information that identifies a specific person.

Feinstein (for Leahy) modified amendment No. 2587 (to amendment No. 2716), to strike the FOIA exemption.

Feinstein (for Mikulski/Cardin) amendment No. 2557 (to amendment No. 2716), to provide amounts necessary for accelerated cybersecurity in response to data breaches.

Feinstein (for Whitehouse/Graham) modified amendment No. 2626 (to amendment No. 2716), to amend title 18, United States Code, to protect Americans from cybercrime.

Feinstein (for Wyden) modified amendment No. 2621 (to amendment No. 2716), to improve the requirements relating to removal of personal information from cyber threat indicators before sharing.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, the debate which we will engage in today on the floor of the Senate is really one that parallels the historic debates that have occurred in the course of our Nation's history. When a great democracy sets out to defend its citizens and to engage in security, it really is with a challenge: Can we keep our Nation safe and still protect our rights and liberties? That question has been raised, and that challenge has been raised time and again.

It was President Abraham Lincoln during the Civil War who suspended the right of habeas corpus. It was challenged by some as an overextension by the executive branch, but President Lincoln thought it was necessary to resolve the Civil War in favor of the Union. In World War I, the passage of the Alien and Sedition Acts raised questions about the loyalty of Americans who question many of the great issues that were being raised during that war. We certainly all remember what happened during World War II when, even under President Franklin Roosevelt, thousands of Japanese Americans were interned because of our concerns about safety and security in the United States. It continued in the Cold War with the McCarthy hearings and accusations that certain members of the State Department and other officials were, in fact, Communist sympathizers. That history goes on and on.

So whenever we engage in a question of the security and safety for our Nation, we are always going to be faced

with that challenge. Are we going too far? Are we giving too much authority to the government? Are we sacrificing our individual rights and liberty and privacy far more than we should to keep this Nation safe? That, in fact, is the debate we have today on the most sophisticated new form of warfare—cyber war.

Cyber security is an enormous concern not just for private companies but for every American. Data breaches happen almost every day. We read not that long ago that 21 million current and former Federal employees had their records breached and stolen from the Office of Personnel Management. Just this month more than 700,000 T-Mobile users in my home State may have had their information compromised by hackers. It seems there isn't a month that goes by where we don't hear of another security breach. That is why we need to take steps to improve data security and share cyber threat information.

Chairman BURR and Ranking Member FEINSTEIN worked long and hard to put together a bill to encourage private and governmental entities to share potential threat information. This bill has evolved over 5 years. No one has worked harder during that period of time than my colleague, Senator FEINSTEIN of California. Senator BURR is now joining her in this effort.

Many are skeptical about the bill before us. Some have raised those concerns on the floor. But we look at the major companies that are opposing this bill as currently written—Apple, IBM, Microsoft, Google, Facebook, and Amazon—just a few of the major companies that have said they can't support the bill that is on the floor today. They note that the bill does not require companies or the Federal Government to protect private information, including personal emails, email addresses, and more. In fact, this bill preempts all laws that would prevent a company or agency from sharing personal information.

I am encouraged that the managers of this bill have moved in the direction of addressing this concern. They have limited the authorization to share cyber threat information to ''cyber security purposes''—a valuable step toward making sure the bill is not used as surveillance. They have included a provision requiring government procedures to notify Americans if their information is shared mistakenly by the government. They have clarified that the authorization to employ defensive measures—or defensive ''hacking''—does not allow an entity to gain unauthorized access to another's computer network.

There will be some amendments before us today that I will support which I think strengthen the privacy protections that should be included in this bill.

I am a cosponsor of the Franken amendment to improve the definitions of ''cyber security threat'' and other cyber threat indicators. Narrowing this definition from information that ''may'' be a threat to information that is ''reasonably likely'' to pose a threat would reduce the amount of potentially personal information shared under the bill.

I also urge my colleagues to support the Wyden amendment to strengthen the requirement that private companies remove sensitive personal information before sharing cyber threat indicators. Again, this amendment would limit the amount of potentially personal information shared under the bill.

I support the Coons amendment to give the Department of Homeland Security time to remove or scrub personal information from the information it shares with other Federal agencies. There is simply no need for personal information unrelated to a threat to be shared with law enforcement agencies such as the Department of Justice and NSA.

These amendments would strengthen privacy protections in the bill much more than the original managers' package. I look forward to working with Senators BURR and FEINSTEIN and others to ensure that the final bill addresses our cyber security concerns while still protecting privacy—something I know we all want to do.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the time be charged equally on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, shortly we will once again begin the process on the cyber security bill. We will start votes hopefully right at 11 o'clock. We will try to work through five amendments this morning and return this afternoon with a short period of debate, and once again, at 4 o'clock, we will take up five additional votes—or possibly four—and be at the point where we could conclude this legislation.

Let me say to my colleagues that the Senate has tried for several years now to bring cyber security legislation to the Senate floor and find the will to pass it. With the work of the vice chairman, I think we have been able to succeed in that. We enjoyed a 14-to-1 vote out of the committee, showing tremendous bipartisan support. Thousands of businesses and almost 100 organizations around the country are supportive of the bill. But, more importantly, in the last several days the bill has gained the support of the Wall Street Journal and the Washington Post—not necessarily publications that chime in on the need for certain pieces of legislation from the Senate floor, but in this particular case, two publications understand the importance of cyber security legislation getting signed into law.

This is the first step, and conferencing with the House will come shortly after. I am proud to say that we already have legislation the White House says they support. So I think we are in the final stretches of actually getting legislation into law that would voluntarily allow companies to partner with the Federal Government when their systems have been breached, when personal data is at risk.

I still say today to those folks both in this institution and outside of this institution who are concerned with privacy that I think the vice chairman and I have bent over backward to accommodate concerns. Some concerns still exist. We don't believe they are necessarily accurate and that only by utilizing this system will, in fact, we understand whether we have been deficient anywhere.

There are also several companies that are not supportive of this bill, as is their right. I will say this: From the beginning, we committed to make this bill voluntary, meaning that any company in America, if its systems are breached, could choose voluntarily to create the partnership with the Federal Government. Nobody is mandated to do it. So I speak specifically to those companies right now: You might not like the legislation, but for goodness' sakes, do not deprive every other business in America from having the opportunity to have this partnership. Do not deprive the other companies in this country from trying to minimize the amount of personal data that is lost because there has been a cyber attack. Do not try to stop this legislation and put us in a situation where we ignore the fact that cyber attacks are going to happen with greater frequency from more individuals and that the sooner we learn how to defend our systems, the better off personal data will be in the United States of America.

This is a huge deal. The vice chairman and I from day one have said to our Members that we will entertain any good ideas that we think strengthen the bill. On both sides of the aisle, we have said to Members that if this breaks the agreement that we have for the support we need, because they don't believe the policy is right, then

we will lock arms and we will vote against amendments.

We have about eight amendments today. On a majority of those, we will do that. I am proud to tell my colleagues that during the overnight and this morning—we will announce today that we have taken care of the Flake amendment with a modification. We are changing the sunset on the legislation to 10 years, and we will accept the Flake amendment on a voice vote later this morning. We continue even over these last hours to try to modify legislation that can be agreed to on both sides of the aisle but, more importantly, without changing the delicate balance we have tried to legislate into this legislation.

I am sure Members will come down over the next 35 minutes, but at this time I will yield the floor so the vice chairman can seek time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Mr. President.

I wish to begin by thanking the chairman for his work on the bill.

For me, this has been a 6-year effort. It hasn't been easy. It hasn't been easy because we have tried to strike a balance and make the bill understandable so that there would be a cooperative effort to share between companies and the government.

Last Thursday the Senate showed its support for moving forward with two strong votes. We had a vote of 83 to 14 to invoke cloture on the substitute amendment, showing that there is, in fact, deep bipartisan support for moving significant legislation to the President's desk.

To that end, I ask unanimous consent that editorials from the two major U.S. newspapers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 22, 2015]

THE SENATE SHOULD TAKE A CRUCIAL FIRST STEP ON CYBERSECURITY

(By Editorial Board)

After years of failure to find a consensus on cybersecurity, the Senate is expected to vote early next week on a bill that would enable the government and the private sector to share information about malicious threats and respond to them more quickly. The legislation is not going to completely end the tidal wave of cyberattacks against the government and corporations, but passing it is better than doing nothing—and that is where Congress has left the matter in recent years.

The legislation, approved by the Senate Select Committee on Intelligence on a bipartisan 14–to-1 vote in March, is intended to iron out legal and procedural hurdles to sharing information on cyberthreats between companies and the government. Private-sector networks have been extremely vulnerable, while the government possesses sophisticated tools that might be valuable in defending those networks. If threats are shared in real time, they could be blunted. The legislation is not a magic wand. Hackers innovate destructive and intrusive attacks even faster than they can be detected. The information sharing would be voluntary. But the bill is at least a first step for Congress after several years of inconclusive debate over how to respond to attacks that have infiltrated networks ranging from those of Home Depot to the Joint Chiefs of Staff.

The biggest complaint about the bill is from privacy advocates, including Sen. Ron Wyden (D–Ore.), who cast the sole dissenting vote on the intelligence committee. His concerns have been amplified recently by several tech giants. Apple told The Post this week that it opposes the legislation because of privacy concerns. In a statement, the company said, ''The trust of our customers means everything to us and we don't believe security should come at the expense of their privacy.'' Some other large technology firms are also opposing the bill through a trade association. Separately, alarmist claims have been made by privacy advocates who describe it as a ''surveillance'' bill.

The notion that there is a binary choice between privacy and security is false. We need both privacy protection and cybersecurity, and the Senate legislation is one step toward breaking the logjam on security. Sponsors have added privacy protections that would scrub out personal information before it is shared. They have made the legislation voluntary, so if companies are really concerned, they can stay away. Abroad coalition of business groups, including the U.S. Chamber of Commerce, has backed the legislation, saying that cybertheft and disruption are ''advancing in scope and complexity.''

The status quo is intolerable: Adversaries of the United States are invading computer networks and hauling away sensitive information and intellectual property by the gigabyte. A much stronger response is called for in all directions, both to defend U.S. networks and to punish those, such as China, doing the stealing and spying. This legislation is a needed defensive step from a Congress that has so far not acted on a vital national concern.

[From the Wall Street Journal, Oct. 26, 2015]

A CYBER DEFENSE BILL, AT LAST

DATA SHARING CAN IMPROVE SECURITY AND CONSUMER PRIVACY

By now everyone knows the threat from cyber attacks on American individuals and business, and Congress finally seems poised to do something about it. As early as Tuesday the Senate may vote on a bill that would let businesses and the government cooperate to shore up U.S. cyber defenses.

This should have been done long ago, but Democrats blocked a bipartisan bill while they controlled the Senate and President Obama insisted on imposing costly new cyber-security mandates on business. The GOP Senate takeover in 2014 has broken the logjam, helped by high-profile attacks against the likes of Sony, Home Depot, Ashley Madison and the federal Office of Personnel Management.

Special thanks to WikiLeaks, the anti-American operation that last week announced that its latest public offering would be information hacked from the private email account of CIA chief John Brennan. We assume Mr. Brennan's government email is better protected, but then this is the same government that let Hillary Clinton send top-secret communications on her private email server.

Democrats have decided it's now bad politics to keep resisting a compromise, and last week the Cybersecurity Information Sharing Act co-sponsored by North Carolina Republican Richard Burr and California Democrat Dianne Feinstein passed the filibuster hurdle. A similar bill passed the House in April 307–106.

The idea behind the legislation is simple: Let private businesses share information with each other, and with the government, to better fight an escalating and constantly evolving cyber threat. This shared data might be the footprint of hackers that the government has seen but private companies haven't. Or it might include more advanced technology that private companies have developed as a defense.

Since hackers can strike fast, real-time cooperation is essential. A crucial provision would shield companies from private lawsuits and antitrust laws if they seek help or cooperate with one another. Democrats had long resisted this legal safe harbor at the behest of plaintiffs lawyers who view corporate victims of cyber attack as another source of plunder.

The plaintiffs bar aside, the bill's main opponents now are big tech companies that are still traumatized by the fallout from the Edward Snowden data theft. Apple, Dropbox and Twitter, among others, say the bill doesn't do enough to protect individual privacy and might even allow government snooping.

Everyone knows government makes mistakes, but the far larger threat to privacy is from criminal or foreign-government hackers who aren't burdened by U.S. due-process protections. Cooperation is voluntary, and the bill includes penalties if government misuses the information. Before either side can share data, personal information that might jeopardize customer privacy must be scrubbed.

The tech giants are the outliers in this debate, while nearly all of the rest of American business supports the bill. The White House has said Mr. Obama will sign the legislation, which would make it a rare example of bipartisan cooperation. The security-privacy debate is often portrayed as a zero-sum tradeoff, but this bill looks like a win for both: Helping companies better protect their data from cyber thieves will enhance American privacy.

Mrs. FEINSTEIN. The first is from the Washington Post dated October 22, entitled ''The Senate should take a crucial first step on cybersecurity.'' The second is in today's Wall Street Journal, and it is entitled ''A Cyber Defense Bill, At Last: Data sharing can improve security and consumer privacy.''

I also note the endorsement from Secretary Jeh Johnson on October 22.

I have been privileged to work with our chairman. We have really tried to produce a balanced bill. We have tried to make it understandable to private industry so that companies understand it and are willing to cooperate. This bill will allow companies and the government to voluntarily share information about cyber threats and the defensive measures they might be able to implement to protect their networks.

Right now, the same cyber intrusions are used again and again to penetrate different targets. That shouldn't happen. If someone sees a particular virus or harmful cyber signature, they should tell others so they can protect themselves.

That is what this bill does. It clears away the uncertainty and the concerns that keep companies from sharing this information. It provides that two competitors in a market can share information on cyber threats with each other without facing anti-trust suits. It provides that companies sharing

cyber threat information with the government for cyber security purposes will have liability protection.

As I have said many times, the bill is completely voluntary. If a company doesn't want to share information, it does not have to.

Today, we will vote on up to seven amendments. As late as this morning, Senator BURR and I have been working to see if we can reach agreement to accept or voice vote some of them, and I hope these discussions will be successful. However, I remain in agreement with Chairman BURR that we will oppose any amendments that undo the careful compromises we have made on this bill. Over the past 10 months, we have tried to thread a needle in fact to draft a bill that as I said gives the private sector the insurances it needs to share more information while including privacy protections to make sure Americans' information is not compromised.

I see on the floor the ranking member of the Homeland Security and Governmental Affairs Committee, the distinguished Senator from Delaware, and I thank Senator CARPER for all he has done to help us and also to make what I consider a major amendment on this bill, which as you know has been accepted.

Several of today's amendments would undo this balance. Senators WYDEN, HELLER, and FRANKEN have amendments that would lead to less information sharing. Each of them would replace clear requirements that are now in the bill on what a company or a government must do prior to sharing information with a new subjective standard that would insert the concern of legal liability.

I would offer to work with these Senators and others as the bill moves forward and hopefully goes into conference to see if there is a way to achieve their goals without interfering with the bill's goal of increasing information sharing.

Senator LEAHY's amendment would similarly decrease the amount of sharing by opening up the chances of public disclosure through the Freedom of Information Act of cyber threats shared under this bill. While the bill seeks to share information about the nature of cyber threats and suggestions on how to defend networks, this information should not be made widely available to hackers and cyber criminals who could use it for their own purposes.

Senator BURR and I worked closely with Senators LEAHY and CORNYN in putting together the managers' package to remove a FOIA exemption that they viewed as unnecessary and harmful. I am pleased we were able to reach that agreement. However, the FOIA exemption that remains in the bill is needed to encourage companies to share this information, and I would oppose this amendment.

The President has an amendment on the other side of the spectrum which I will also strongly oppose. This amendment would basically undo one of the core concepts of this bill. Instead of requiring cyber information to go through a single portal at the Department of Homeland Security, it would allow companies to share cyber information directly with the FBI or the Secret Service and still provide full liability protection.

This change runs afoul of one of the most important privacy protections in the bill, which was to limit direct sharing of this cyber information with the intelligence community or with law enforcement. In other words, everything will go through the portal first, where it will receive an additional scrub to remove any residual personal information and then go to the respective departments. In this way the privacy is kept by not being able to misuse the authority to provide unrelated information directly to departments.

If there is a crime, companies should be able to share information with law enforcement—I agree with that—but that is not what this bill is about. This bill is about sharing cyber information on threats so there can be greater awareness and better defenses.

When there is a cyber crime and law enforcement is called in, we are talking about very different information. When the FBI investigates, it takes entire databases and servers. It looks at everything—far beyond the cyber information that could be lawfully shared in this act. So sharing with the FBI outside of the DHS portal may be appropriate in certain cases but not as a parallel option for cyber threat information.

In fact, our bill already makes clear in section 105(c)(E) that it ''does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity.'' I would just refer to this chart which quotes section 105(c). It says exactly that.

This amendment would undo the key structure of this bill—the central portal for sharing information located at the Department of Homeland Security—and decrease the ability of the government to effectively manage all the cyber information it receives. So I will oppose this amendment and urge my colleagues to do the same.

I very much appreciate that the Senate will complete its consideration of this bill today. We still have a long way to go. We have to conference the House bill with our bill. I want to make this offer, and I know I think I speak for the chairman as well, that we are happy to work with any Member as we go into conference, but I hope we can complete these last few votes without upsetting the careful negotiations and compromise we have been able to reach.

Again, I thank the Chair.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Let me start off by saying to Senator FEINSTEIN, 6 years ago, you, along with Senators SUSAN COLLINS, Joe Lieberman, Jay Rockefeller, and others started leading the effort to put in place comprehensive cyber security legislation and offered the first comprehensive bill dealing with information sharing. We had a vote in late 2012. It came up short, and we started all over again in the last Congress. You have shown great leadership right from the start. I thank you and I thank Senator BURR, the chair of the committee. I thank you for cooperating with us and with others to make sure that we have not just a good bill but a very good bill that addresses effectively the greatest challenges we face in our country.

I have heard Senator FEINSTEIN say this time and again, and I will say it again today: If companies don't want to share information with the Federal Government, they don't have to. It is elective. In some cases they can form their own groups called ISOCs that will share information with one another. They don't have to share information on attacks with the Federal Government. They can share it with other peers if they wish to, but if they do share it with the Federal Government, with a couple of narrow exceptions, we ask that it be shared with the Department of Homeland Security because the Department of Homeland Security is set up in large part to provide a privacy scrub.

Next month the DHS will have the ability, when these threat indicators come through that are reported by other businesses across the country, in real time to be able to scrub that information through the portal and remove from it personally identifiable information that should not be shared with other Federal agencies, and just like that, bingo, we are off to the races. It is a smart compromise that I am pleased and grateful to have worked out with Senators BURR and FEINSTEIN and their staff. I thank both their staff and ours as well.

The other piece is the legislation we literally took out of the Committee on Homeland Security and Governmental Affairs that has been pending. I think the entire title 2 of the managers' amendment is the legislation that Senator JOHNSON and I have worked on. We are grateful for that.

One piece of it is something called EINSTEIN 1, 2, and 3—not to be confused with the renowned scientist, Albert Einstein. But we have something called EINSTEIN 1, EINSTEIN 2, and EINSTEIN 3. What do they mean? What this legislation does is it means we are going to use these tools—we are going to continue to update and modernize these tools—to, No. 1, record intrusions; No. 2, to be able to detect the bad stuff coming through into the Federal Government; and No. 3, block it.

We are going to make sure it is not just something that is positive work on a piece of paper but that 100 percent of

the Federal agencies are able to use these new tools. Senator JOHNSON and I worked on legislation included in this package that uses encryption tools and doubles the number of processes we have available to better protect our information.

Finally, I would mention that Senator COLLINS, the former chair of the Homeland Security Committee—she and a number of our colleagues, including Senator MIKULSKI, Senator MCCASKILL, and others, have worked on legislation that we added to and all of that was reported out of the committee. All of this together is a very robust defender of our dot-gov domain and could be used to help those outside the Federal Government as well.

Going back to the last Congress, Tom Coburn and I worked together to do three things to strengthen the Department of Homeland Security to let it do its job. Growing up, I remember seeing cartoon ads in a magazine about some guy at the beach kicking sand on a smaller guy. The smaller guy in this case would have been the Department of Homeland Security, with respect to their ability to provide robust defense against cyber attacks. If I can use that cartoon as an analogy, in the past, the Department of Homeland Security was the 98-pound weakling, and it is no weakling anymore. Legislation that Dr. Coburn and I offered, passed in the Congress, to, No. 1, say the cyber ops center in the Department of Homeland Security is real. We are standing it up. We are making it real and robust.

The Federal Information Security Management Act for years was a paperwork exercise and was a once-a-year check to make sure our cyber defenses were secure. We are transforming that into a 24/7, robust, around-the-clock operation by modifying legislation and improving legislation called FISMA. We also in that legislation make clear what OMB's job is and we make clear what the job of the Department of Homeland Security is.

Finally, for years the Department of Homeland Security hired and trained cyber warriors, and just as they were getting really good, they were hired away because we couldn't retain them. We couldn't pay them or provide retention bonuses or hiring bonuses. We need to make sure we have some of the best cyber warriors in the world working at the Department of Homeland Security. Now DHS has that authority, and we will be able to hire these people.

Putting all this together, folks, what we have done is move the needle. With passage of this legislation we will move the needle and we need to do that.

There will be discussion later on of amendments. There are a couple of them that for this Senator are especially troubling. Senator FEINSTEIN has mentioned a couple of them, and I suspect Senator BURR has mentioned them as well. We will look at them as we go through, but a couple of them set this legislation back and I will very strongly oppose them.

Having said that, regarding the old saying—I am tired of hearing it and I am tired of saying it, but ''don't let the perfect be the enemy of the good.'' This isn't just good legislation, this is very good legislation, and it has gotten better every step of the way because of the willingness of the ranking member and the chairman of the Intel Committee to collaborate. The three C's at work are communicating, compromising, and collaborating. We should work out these amendments today and pass this bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2548, AS MODIFIED

Mr. HELLER. Mr. President, this Senator, like everyone else in this Chamber, realizes the need to address the threat of cyber attacks. The impact of these attacks is a matter of individual financial security as well as America's national security, and I contend that these efforts must not interfere with Americans' privacy. In doing so, the cure, which is this piece of legislation, is worse than the problem.

I have said it before and I will continue saying it, privacy for Nevadans is nonnegotiable. Nevadans elected me in part to uphold their civil rights and their liberties, and that is what I am on the floor doing today. That is why I fought for passage of the USA FREEDOM Act. That is why I offered my amendment being considered on this floor this given day. Hundreds of Nevadans have reached out to my office expressing concerns about the Cybersecurity Information Sharing Act, saying it did not do enough to safeguard their personal information.

Also tech companies, including Google, Apple, Microsoft, Oracle, and BSA Software Alliance, all expressed the same concerns about privacy under this piece of legislation. It is our responsibility in Congress to listen to these concerns and address them before allowing this piece of legislation to become law. I recognize the chairman of the intelligence committee does not support my amendment and has been encouraging our colleagues to oppose it.

With respect, however, I believe my amendment is a commonsense, middle-ground amendment. It ensures that we strike an appropriate balance that guarantees privacy, but also allows for real-time sharing of cyber threat indicators. My amendment would simply require the Federal Government, before sharing any cyber threat indicators, to strip out any personally identifiable information that they reasonably believe is not directly related to a cyber security threat.

This standard creates a wide protection for American's personal information. Furthermore, it also improves the operational capabilities of this cyber sharing program. DHS has stated that removing more personally identifiable information before sharing will help the private sector meaningfully digest that information as they work to combat cyber threats.

Again, I respect what Chairman BURR and Ranking Member FEINSTEIN are trying to do here, which is why I have carefully crafted this amendment to meet the needs of both sides—those fighting for privacy and those fighting for our national security. I would like to take a moment to address the concerns expressed by the chairman, who has argued that this amendment is a poison pill for this piece of legislation. I want to be clear: This amendment is not creating legal uncertainty that would delay the sharing of cyber threat indicators. In fact, the term ''reasonably believes'' is used as the standard for the private sector in the House-passed cyber bill. Let me repeat that. This phrase, ''reasonably believes,'' is the standard applied to the private sector in the House-passed bill. Our counterparts on the House Intelligence Committee felt that this standard was high enough to protect privacy while also meeting the goal of the bill which is real-time sharing.

If this standard is good enough for the private sector, it should be good enough for the Federal Government. Just 6 months ago, the chamber of commerce released a strong statement of support and praise for the House-passed cyber legislation. Not once did they release statements of concern over using the term ''reasonably believes'' as it applies to the private sector, the industry which they represent. I ask again: If it is good enough for the private sector, should it not be good enough for the Federal Government?

Finally, I am proud to have the support of two of the Senate's leading privacy advocates, Senators LEAHY and WYDEN, who have been fighting with me to make key changes to this bill to maintain Americans' rights. I strongly urge my colleagues today to vote in support of my simple fix. Let's keep our oath to the American people and make this bill stronger for privacy rights and civil liberties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that after Chairman BURR has spoken, I be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I want to say to my colleague Senator HELLER, I wish we could accommodate all of the amendments. The fact is that even a word here and there changes the balance of what Senator FEINSTEIN and I have tried to put together. Although on the surface it may not look like a big deal—I understand we have two competing bills that were passed in the House, and one has the language. The fact is, our language for the entirety of the bill does not match the House bill.

When you change something, we have to look at the cause and effect of it.

Here are the realities. This is a voluntary bill. I will start backward with some of the things Senator HELLER said. Technology companies are opposed to it. They are. I cannot do anything about that, but I can plead with them: Why would you deprive thousands of businesses that want to have a partnership with the Federal Government from having it because you have determined for your business, even though you are a large holder of personal data, that you don't want a partnership with the Federal Government.

I would suggest that the first day they get penetrated, they may find that partnership is worthy. I cannot change where they are on the legislation. The reality is that for a voluntary bill, it means there has to be a reason for people to want to participate. Uncertainty is the No. 1 thing that drives that away. We believe the change the Senator proposes provides that degree of uncertainty, and therefore we would not have information shared either at all or in a timely fashion. If it is not shared in a timely fashion, then we won't reach the real-time transfer of data which gives us the basis of minimizing data loss in this bill.

I think it is easy to look at certain pieces of the bill and say: Well, this does not change it that much. But it changes it in a way that would cause either companies to choose not to participate, or it may change it in a way that delays the notification to the Federal Government. Therefore, we are not able to accomplish what we set out to do in the mission of this bill, which is to minimize the amount of data that is lost not just at that company but across the U.S. economy.

Again, I urge our colleagues—we will move to amendments shortly. We will have an opportunity to debate for 1 minute on each side on those amendments. I would urge my colleagues to keep this bill intact. If we change the balance of what we have been able to do, then it changes the effects of how this will be implemented, and, in fact, we may or may not at the end of the day——

Mr. HELLER. Will the chairman yield time so I can respond to his comment?

Mr. BURR. I will be happy to yield.

Mr. HELLER. I appreciate everything the Senator is doing. I understand the importance of fighting against cyber attacks. I want to make two points—clarify two points that I think are very important. The language in this bill is the same standard the private sector is held to in the House-passed bill. The chamber had no problem 6 months ago when that bill was passed out of the House of Representatives.

So I continue to ask the question: If it is good enough—if this language is good enough for the private sector, why is it not good enough for the public sector, for the Federal Government? The second thing is that I believe my amendment does strike a balance, increasing privacy but still providing that real-time information sharing. I just wanted to make those two points.

Mr. BURR. Mr. President, I appreciate the Senator's input. I can only say to my colleagues that it is the recommendation of the vice chair and myself that this not be supported. It does change the balance, it puts uncertainty in the level of participation, and any delay from real time would, in fact, mean that we would not have lived up to the mission of this bill, which is to minimize data loss.

I think, though, that there are similarities between the House and Senate bills. Ours is significantly different, and therefore it has a different implication when you change certain words.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before he leaves the floor, I want to commend my colleague from Nevada. I strongly support his amendment.

AMENDMENT NO. 2621, AS MODIFIED

Colleagues, the first vote we will have at 11 o'clock is on my amendment No. 2621. This amendment is supported by a wide variety of leaders across the political spectrum, progressive voices that have focused on cyber security and privacy as well as conservative organizations. FreedomWorks, for example, an important conservative organization, announced last night that they will consider the privacy amendment that I will be offering. It will be the first vote, a key vote on their congressional scorecard.

It was the view of FreedomWorks that this amendment, the first vote, would add crucial privacy protections to this legislation. The point of the first amendment we will vote on is to strengthen privacy protections by requiring that companies make reasonable efforts to remove unrelated personal information about their customers before providing data to the government. It says that companies should take these efforts to the extent feasible. Let me say that this truly offers a great deal of flexibility and discretion to companies. It certainly does not demand perfection, but it does say to these companies that they should actually have to take some real responsibility, some affirmative step.

We will have a chance, I guess for a minute or so, when we get to the amendments, but for purposes of colleagues reflecting before we start voting, the first amendment I will be offering is backed by important progressive organizations, such as the Center for Democracy and Technology, and conservative groups, such as FreedomWorks, which last night said this is a particularly important vote with respect to liberty and privacy. It says that with respect to the standard for American companies, you just cannot hand it over, you have to take some affirmative steps—reasonable, affirmative steps—before you share personal information.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, we are going to go to these amendments, and we will have five amendments this morning and possibly up to five this afternoon starting at 4 o'clock.

AMENDMENT NOS. 2626, AS MODIFIED, AND 2557

I want to take this opportunity—there are two pending amendments that are not germane. I ask unanimous consent that it be in order to raise those points of order en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. I make a point of order that the Whitehouse amendment No. 2626 and the Mikulski amendment No. 2557 are not germane to amendment No. 2716.

The PRESIDING OFFICER. The points of order are well taken and the amendments fall.

Mr. BURR. Mr. President, I want to take this opportunity before we start the final process to thank the vice chairman. She has been incredibly willing to participate, even when we started in a different place than where we ended. She brought to the table a tremendous amount of experience on this issue because of the number of years she had worked on it. She was very accommodating on areas that I felt were important for us to either incorporate or at least debate.

What I really want to share with my colleagues is that we had a wholesome debate in the committee. The debate the vice chair and I and our staffs had was wholesome before it even came to the Presiding Officer or to Senator WYDEN. That is good. It is why some of the Members might have said in committee: Gee, this looks like a good amendment. Yet it did not fit within the framework of what the vice chair and I sat down and agreed to.

So this has been a process over a lot of months of building support, not just within this institution but across the country. It is not a process where I expected to get to the end and for there to be nothing but endorsements of the legislation. I have never seen a piece of legislation achieve that coming out of the Senate. But I think the vice chair and I believed when we actually put legislation together that we were on the same page. The fact is, it is important that today we are again still on the same page, that we have stuck there. I thank the vice chairman.

I also thank Senator JOHNSON and Senator CARPER, the chairman and the ranking member of the homeland security committee. They have been incredibly helpful and incredibly accommodating. We have tried to incorporate everything we thought contributed positively to this legislation, and they were huge contributors.

Lastly, let me say to all of my colleagues that it is tough to be put in a situation—the vice chair and myself—where we have Members on both sides

who are going to offer amendments—I understand that to them those amendments are very reasonable, and I would only ask my colleagues to understand the situation the vice chair and I are in. We have negotiated a very delicately written piece of legislation, and any change in that that is substantive we feel might, in fact, change the outcome of what this bill accomplishes.

We will have votes on amendments this morning. One of those amendments, Senator FLAKE's amendment—overnight we were able to negotiate a change in the sunset provision to 10 years. We will modify that on the floor and accept it by voice vote. The others will be recorded votes.

With that, I yield the floor.

AMENDMENT NO. 2621, AS MODIFIED

The PRESIDING OFFICER (Mrs. FISCHER). Under the previous order, the question occurs on amendment No. 2621, as modified, offered by the Senator from Oregon, Mr. WYDEN.

There is 2 minutes of debate equally divided.

The Senator from Oregon.

Mr. WYDEN. Madam President, virtually all agree that cyber security is a serious problem. Virtually all agree that it is useful to share information, but sharing information without robust privacy standards creates as many problems as it may solve.

The first amendment I am offering is supported by a wide variety of organizations across the political spectrum because they want what this amendment would do; that is, reasonable efforts have to be made to strike unrelated personal information before it is handed over to the government. Without that, you have a flimsy standard that says: When in doubt, hand it over.

I urge colleagues to support this amendment. It is backed by progressive groups and conservative groups.

Madam President, I ask unanimous consent to add Senator WARREN as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I ask unanimous consent to have printed in the RECORD a letter of support from FreedomWorks, a leading conservative voice on these issues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FREEDOMWORKS,
Washington, DC, October 26, 2015.

KEY VOTE YES ON THE WYDEN AMENDMENT #2621 TO CISA

As one of our over 6.9 million FreedomWorks activists nationwide, I urge you to contact your senators and ask them to vote YES on the Wyden amendment to add crucial privacy protections to the Cyber Information Sharing Act (CISA), S. 754.

CISA purports to facilitate stronger network security across the nation by facilitating the interchange of information on cyber threats between private companies and government agencies. But one of CISA's several gaping flaws is the incentive it creates for some companies to share this data recklessly.

The personally identifiable information (PII) of a company's users can be attached to cyber threat indicators after a hack—potentially sensitive information that is generally unnecessary to diagnose the threat. But since companies which share cyber threat data are completely immune to consequence if that shared data should be misused, their incentive is to share the data as quickly as possible—even if that means some would be sharing PII.

And if that personal data is irresponsibly shared with the government, it gets spread far and wide between government agencies (including the NSA) in real time, thanks to CISA's mandatory interagency sharing provision.

The Wyden amendment goes a long way toward addressing the potential misuse of this personal information by requiring companies which share cyber threat data to review said data to ensure that all PII that is not directly necessary to counter the cyber threat is deleted before it is shared.

Passing the Wyden amendment wouldn't fully fix the problems with CISA, but it is an important protection against potential distribution and misuse of innocent consumers' private information.

Please contact your senators and ask that they vote YES on the Wyden amendment to CISA. FreedomWorks will count the vote on this amendment as a Key Vote when calculating our Congressional Scorecard for 2015. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of Congress who consistently vote to support economic freedom and individual liberty.

Sincerely,

ADAM BRANDON,
CEO, FreedomWorks.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to oppose the amendment. This amendment would replace a key feature of the underlying bill. Right now, under section 104(d) of the managers' amendment, a company is required to conduct a review of any information before it is shared and remove any personal information that is not ''directly related to a cybersecurity threat.''

Senator WYDEN's amendment, while well-intentioned, would replace that review with a requirement that a company must remove personal information ''to the extent feasible''—and there is the rub. This is a very unclear requirement. In this bill, we are trying to provide clarity on what a company has to do so that it is understandable. Companies understand what it means to conduct a review to see whether there is personal information and then strip it out. They don't know what may or may not be feasible, and they worry that this lack of clarity could create the risk of a lawsuit where the current language does not.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. Therefore, I ask my colleagues to join with me in voting no on the Wyden amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wyden amendment, as modified.

Mr. BURR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—41

Baldwin	Gardner	Peters
Bennet	Gillibrand	Reed
Blumenthal	Heinrich	Reid
Booker	Heller	Sanders
Boxer	Hirono	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Lee	Stabenow
Casey	Markey	Sullivan
Coons	Menendez	Tester
Crapo	Merkley	Udall
Daines	Murkowski	Warren
Durbin	Murphy	Wyden
Franken	Murray	

NAYS—55

Alexander	Fischer	Moran
Ayotte	Flake	Nelson
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Hoeven	Rounds
Carper	Inhofe	Sasse
Cassidy	Isakson	Scott
Coats	Johnson	Sessions
Cochran	Kaine	Shelby
Collins	King	Thune
Corker	Kirk	Tillis
Cornyn	Lankford	Toomey
Cotton	Manchin	Warner
Donnelly	McCain	Whitehouse
Enzi	McCaskill	Wicker
Ernst	McConnell	
Feinstein	Mikulski	

NOT VOTING—4

Cruz	Rubio
Paul	Vitter

The amendment (No. 2621), as modified, was rejected.

AMENDMENT NO. 2548, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2548, as modified, offered by the Senator from Nevada, Mr. HELLER.

There is 2 minutes of debate equally divided.

The Senator from Nevada.

Mr. HELLER. Madam President, the chairman has stated that this piece of legislation has privacy protections. But I don't believe it goes far enough or we wouldn't be in this Chamber, vote after vote after vote, trying to move this so there is some personal privacy and so there are some liberties that are protected.

This amendment in front of us right now is a commonsense, middle-ground approach that strengthens the standards for the Federal Government removing personal information prior to sharing it with the private sector.

I want to leave my colleagues with two points. This is the same standard

that the private sector is held to in the House-passed bill, supported by the Chamber. If this amendment is good enough for the private sector, the question is, Why isn't it good enough for the Federal sector or the government? No. 2, my amendment strikes a balance between increasing privacy but still providing for real-time information sharing.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, Senator FEINSTEIN and I have tried to reach a very delicate balance. We think we have done that. Senator HELLER raised one specific issue. He said the chamber is supportive of the language. Let me just read: The chamber opposes Senator HELLER's amendment for much of the same reason that we oppose comparable amendments being offered. It says: The difficulty with seemingly simple tweaks and wording is that interpreting the language, such as '' reasonably believes'' and ''reasonable efforts'' in legislation, is far from simple. It would create legal uncertainty and is contrary to the goal of real-time information sharing. The chamber will press to maintain NOS as the standard.

Hopefully, this shares some texture with my colleagues about how difficult this has been. As I said earlier, I would love to accept all of the amendments. But when it changes the balance of what we have been able to put—when we take a voluntary bill and provide uncertainty, we have now given a reason for either companies not to participate or for the government to delay the transmission to the appropriate agencies.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURR. We believe we have the right protections in place. I urge my colleagues to defeat the Heller amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—47

Baldwin	Ernst	Menendez
Barrasso	Flake	Merkley
Bennet	Franken	Moran
Blumenthal	Gardner	Murkowski
Booker	Gillibrand	Murray
Boxer	Heinrich	Peters
Cantwell	Heitkamp	Portman
Cardin	Heller	Reed
Casey	Hirono	Sanders
Cassidy	Hoeven	Sullivan
Coons	Kaine	Tester
Crapo	Lankford	Toomey
Daines	Leahy	Udall
Donnelly	Lee	Warren
Durbin	Markey	Wyden
Enzi	McCaskill	

NAYS—49

Alexander	Grassley	Roberts
Ayotte	Hatch	Rounds
Blunt	Inhofe	Sasse
Boozman	Isakson	Schatz
Brown	Johnson	Schumer
Burr	King	Scott
Capito	Kirk	Sessions
Carper	Klobuchar	Shaheen
Coats	Manchin	Shelby
Cochran	McCain	Stabenow
Collins	McConnell	Thune
Corker	Mikulski	Tillis
Cornyn	Murphy	Warner
Cotton	Nelson	Whitehouse
Feinstein	Perdue	Wicker
Fischer	Reid	
Graham	Risch	

NOT VOTING—4

Cruz	Rubio
Paul	Vitter

The amendment (No. 2548), as modified, was rejected.

AMENDMENT NO. 2587, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2587, as modified, offered by the Senator from Vermont, Mr. LEAHY.

The Democratic leader.

Mr. REID. Madam President, I would ask that my remarks be under leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATOR LEAHY ON CASTING HIS 15,000TH VOTE

Mr. REID. Mr. President, today my friend and colleague PAT LEAHY has reached another milestone in an extraordinary career. He just cast his 15,000th vote. That is remarkable. He is only the sixth Senator in the history of this great body to have done that. In 226 years, he is one of 6.

Today's momentous occasion should come as no surprise because his entire career in public service has been history in the making. He graduated from St. Michael's College, which is a Vermont institution. He graduated from Georgetown University Law Center.

He was first appointed as the State's attorney when he was 26 years old. He was then reelected on two separate occasions. During that time, PAT LEAHY was a nationally renowned prosecutor. In 1974—his last as a State's attorney—he was selected as one of the three most outstanding prosecutors in America.

At age 34, PAT became the first Democrat in U.S. history to be elected to the Senate from Vermont. After he was elected, the Republican Senator he was to succeed, George Aiken, was asked by some to resign his seat a day early—which you could do in those days—to give Senator LEAHY a head start in seniority among his fellow freshmen. Here is what Senator Aiken said: ''If Vermont is foolish enough to elect a Democrat, let him be number 100.''

Senator LEAHY's career has proven that the people of Vermont were wise in selecting him. From No. 100, Senator LEAHY over time ascended to the rank of President pro tempore of the Senate. Senator LEAHY has spent four decades in the Senate fighting for justice and equality. As the chairman of the Judiciary Committee, he became a national leader for an independent judiciary, the promotion of equal rights, and the protection of our Constitution.

His main focus, though, has always been Vermont. He carries with him a picture of what he calls his farmhouse, which is on lots of acres. It looks like a picture you would use if you were trying to get somebody to come and stay at your place—it is just beautiful. It doesn't remind me of the desert, but it is beautiful.

Over the years, he has done everything he can to protect the State's natural beauty, the resources, land and water, through conservation efforts. When people visit Vermont, they see these beautiful green vistas, pristine lakes and rivers, and picturesque farms. Senator LEAHY has worked hard to keep Vermont that way.

Senator LEAHY has done everything in his power to promote agriculture in his home State. As former chair of the agriculture committee, I can remember what he has done to protect the dairy industry. It is legend what he has done to protect the dairy industry. We all remember holding up the Senate for periods of time until he got what he wanted for dairy. He wrote the Organic Foods Production Act of 1990, which helped foster Vermont and America's growing organic food industry. Today, organic foods are a $40 billion industry. Many of those organic farms and businesses are based in Vermont.

After Tropical Storm Irene, I remember, graphically, his fighting for the State of Vermont. That storm devastated parts of Vermont. Roads were underwater for weeks. He helped secure $500 million in assistance for the people of Vermont to overcome a brutal natural disaster.

I am fortunate to be able to serve with PAT LEAHY here in the Senate. He is more than a colleague; he really is a dear friend, as is his wife of 52 years, Marcelle, whom Landra and I know well. We have helped each other through our times of joy and our times of travail. Senator LEAHY and his wife Marcelle have three wonderful children and five grandchildren. Give PAT a minute alone and he will start telling you about them.

Senator LEAHY, congratulations on your 15,000th vote in the U.S. Senate.

Mr. LEAHY. I thank my colleague.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, as the Democratic leader has pointed out, this is indeed the 15,000th vote of the Senator from Vermont. That means he has taken the largest number of votes among all of us currently serving here in the Senate. It means he has taken the sixth largest number of votes in Senate history. It certainly means he has taken more votes than any other Senator from his State, and Vermont has been sending Senators here since the late 1700s.

That is not the only thing that sets him apart from every other Vermonter to serve here in the Senate. He was the first Democrat elected to serve from Vermont. Unfortunately, that is a habit that has not continued. I think we can safely assume he is Vermont's first Batman fanboy to serve as well; the first Bat fan and probably the first Dead Head as well.

There is no doubt that our colleague is the longest serving current Member of the Senate from any State. We are happy to recognize today his 15,000th vote.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. May I have 1 minute to speak to that point?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I wish to commemorate my friend and colleague for casting his 15,000th vote today in the Senate.

Senator LEAHY has been a stalwart Member of this body since joining the Senate at the age of 34 in 1975. Four decades later, Senator LEAHY continues to serve his State and our Nation with great passion and conviction.

Senator LEAHY has been a good friend as we work together in leading the Senate Judiciary Committee.

So, Senator LEAHY, congratulations on this tremendous milestone. I hope we can cast many more votes together as we continue to work in a bipartisan way on the committee.

I applaud the Senator from Vermont for his great commitment to service, and I wish him many more votes in the future.

(Applause, Senators rising.)

The PRESIDING OFFICER. The junior Senator from Vermont.

Mr. SANDERS. Madam President, I rise to say a few words in congratulating Senator LEAHY, not just for his 15,000th vote but on his many years of service serving the people of the State of Vermont. Vermont is very proud of all of the work PAT LEAHY has done.

As we all know, Senator LEAHY has been a champion on agriculture issues, on protecting family farmers, especially in dairy and organics. He has been a champion in fighting for civil liberties in this country. He has been a champion on environmental issues, making sure the planet we leave our kids is a clean and healthy planet. He has been a champion on women's issues, and on so many other issues.

Senator LEAHY, on behalf of the people of Vermont, I want to thank you so much for your years of service.

(Applause, Senators rising.)

Mr. LEAHY. Madam President, I want to thank my dear friends, Senator REID, Senator MCCONNELL, Senator SANDERS, and Senator GRASSLEY for their comments, and I appreciate the opportunity to be able to serve with them. I thank the members of the Senate for this opportunity to make a very few observations about this personal milestone.

You know, the Senate offers both great opportunities and responsibility for both Senators from Vermont and all who serve here. We have a chance, day after day, to make things better for Vermonters and for all Americans. We can strengthen our country and ensure its vitality into the future. We can forge solutions in the unending quest throughout this Nation's history to form a more perfect Union.

I cast my first vote in this Chamber in 1975 on a resolution to establish the Church Committee. The critical issues of the post-Watergate era parallel issues we face today—proof of the enduring fact that, while the votes we cast today address the issues we face now, problems will persist, threats will continue, and improvements to the democracy we all revere can always be made.

I think back on the 15,000 votes I have cast on behalf of Vermonters. A lot of them come quickly to mind today—some specific to Vermont and some national and some global—writing and enacting the organic farm bill, the charter for what has become a thriving $30 billion industry; stronger regulations on mercury pollution and combating the effects of global warming; emergency relief for the devastation caused by Tropical Storm Irene; adopting price support programs for small dairy farmers; fighting for the privacy and civil liberties of all Americans; supporting the Reagan-O'Neill deal to save Social Security; nutrition bills to help Americans below the poverty line; bipartisan—strongly bipartisan—campaign reform in McCain-Feingold; the bipartisan Leahy-Smith Act, on patent reform; reauthorizing and greatly expanding and strengthening the Violence Against Women Act; opposing the war in Iraq, a venture that cost so many lives and trillions of taxpayer dollars.

The Senate at its best can be the conscience of the Nation. I have seen that when it happens, and I marvel in the fundamental soundness and wisdom of our system every time the Senate stands up and is the conscience of our Nation. But we cannot afford to put any part of the mechanism on automatic pilot. It takes constant work and vigilance to keep our system working as it should for the betterment of our society and the American people. And we can only do it if we work together.

I am so grateful to my fellow Vermonters for the confidence they have shown in me. It is a measure of trust that urges me on. I will never betray it, and I will never take it for granted. Reflecting on the past 15,000 votes reminds me about the significance every time we vote, why I feel energized about what votes lie ahead, and how we can keep making a difference.

I thank my friends, the two leaders, for their remarks, my respected Senate colleague, Senator SANDERS, my friend, Senator GRASSLEY, with whom I've served a long time. I appreciate my friendship with them and have appreciated my friendship with other leaders, including Senators Mansfield, Byrd, Baker, Dole, Lott, and Daschle, and lifelong gratitude to my former colleague, Senator Stafford, a Republican, who took me under his wing and guided me. And I am privileged to serve now—I mean, our whole Vermont delegation is here: Senator SANDERS, Congressman WELCH, and myself. Not many other States could do that and fit all of them in this body. And lastly I remember what a thrill it was to tell my wife, Marcelle, when I cast my first vote. And now 40 years later, I can still tell her about the 15,000th vote, and she knows, she and our children and grandchildren are the most important people in my life.

I do not want to further delay the Senate's work today, and I will reflect more on this milestone later. I thank you for your friendships that have meant more to me and my family than I can possibly say, and I look forward to continuing serving here. Thank you very, very much.

(Applause, Senators rising.)

Mr. DURBIN. Madam President, I want to add my voice to the well-deserved chorus of congratulations for our colleague and friend from Vermont.

Of the 1,963 men and women who have ever served in the U.S. Senate, only six have the distinction of casting 15,000 votes. And of those august six, only PATRICK LEAHY continues to serve in this body today. The only other members of the 15,000-vote league are Senators Robert C. Byrd, Strom Thurmond, Daniel Inouye, Ted Kennedy, and Ted Stevens.

More important than the number of votes Senator LEAHY has cast, however, is the wisdom and courage reflected in his votes.

He was elected to the U.S. Senate in 1974—part of an historic group of new Senators known as the ''Watergate Babies.''

He has voted time and again to uphold the values of our Constitution—even when it contained some political risk.

His very first vote in this Senate was to authorize the Church Committee—the precursor to today's Senate Select Committee on Intelligence. The Church Committee was created to investigate possible illegalities by the CIA, the FBI, and the National Security Agency—and it resulted in major reforms.

As you may know, Senator LEAHY is a major Batman fan. In fact, he has made several cameo appearances in Batman movies.

His affinity for the Caped Crusader makes sense. You see, Batman is one of the few superheroes with no superhuman powers. He is simply a man with unusual courage and determination to fight wrongdoing. That is PATRICK LEAHY, too.

I have served on the Senate Judiciary Committee for more than 18 years. During that time, Senator LEAHY has been either our committee chairman or its ranking member.

I have the greatest respect for his fidelity to the rule of law and his determined efforts to safeguard the independence and integrity of America's Federal courts.

He is a champion of human rights at home and abroad.

According to the nonpartisan website GovTrack, Senator LEAHY has sponsored more bipartisan bills than any other current member of this Senate. Sixty-one percent of his bills have had both Democratic and Republican cosponsors. In this time of increasingly sharp partisanship, that is a record that we would all do well to emulate.

I am particularly grateful to Senator LEAHY for his strong support of a bipartisan bill that I am cosponsoring, along with a broad array of Senators, from Chairman CHUCK GRASSLEY to Senator CORY BOOKER. The Sentencing Reform and Corrections Act would make Federal sentencing laws smarter, fairer, more effective, and more fiscally responsible. It passed the Judiciary Committee last week by a vote of 15–5. Senator LEAHY's leadership has been critical in building this broad support, and I look forward to the day—in the near future, I hope—when we can celebrate passage of this important measure.

I learned recently that Senator LEAHY dedicates all of his fees and royalties from his acting roles to charities. A favorite charity is the Kellogg-Hubbard library in Montpelier, VT, where he read comic books as a child. I hope that there are young boys and girls discovering in that library the same uncommon courage and love of justice that PATRICK LEAHY found there.

America needs more heroes like PAT LEAHY.

AMENDMENT NO. 2587, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2587, as modified, offered by the Senator from Vermont, Mr. LEAHY.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

There will now be 2 minutes equally divided.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise regretfully to speak against the amendment directly following the important monument of 15,000 votes by one of the idols of my life, but so be it.

As it might become very clear, Senator BURR and I, on a bill that came out of committee 14 to 1, have tried to keep a balance and have tried to prevent this kind of information sharing from being a threat to business so they won't participate. Therefore, the words that are used are all important as to whether they have a legal derivation. Senator LEAHY's amendment would essentially decrease the amount of sharing by opening up the chance of public disclosure through the Freedom of Information Act of cyber threats shared under this bill.

Now, we seek to share information about the nature of cyber effects and suggestions on how to defend networks. This information clearly should not be made available to hackers and cyber criminals who could use it for their own purposes. So Senator BURR and I worked closely with Senator LEAHY and Senator CORNYN in putting together the managers' package to remove a FOIA exemption that they viewed as unnecessary and harmful. That has been removed in the managers' package.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, as much as I hate to disagree with my dear friend from California, I will on this amendment.

I don't like to see unnecessary exemptions to the Freedom of Information Act.

Today I offer an amendment to the Cybersecurity Information Sharing Act that would remove from the bill an overly broad and wholly unnecessary new FOIA exemption. That new exemption to our Nation's premier transparency law was added without public debate and in a closed session by the Senate Intelligence Committee. Any amendments to the Freedom of Information Act should be considered openly and publicly by the Senate Judiciary Committee, which has exclusive jurisdiction over FOIA—not in secret by the Senate Intelligence Committee.

I expect that much of the information to be shared with the government under CISA would be protected from disclosure to the general public. A thorough committee process, including consideration by the Senate Judiciary Committee, would have made clear that the vast majority of sensitive information to be shared under this bill is already protected from disclosure under existing FOIA exemptions. This includes exemption (b)(4), which protects confidential business and financial information; exemption (b)(6) which protects personal privacy; and exemption (b)(7), which protects information related to law enforcement investigations.

In case there is any doubt that this information would be exempt from disclosure, the underlying bill already makes clear that information provided to the Federal Government ''shall be considered the commercial, financial, and proprietary information'' of the entity submitting the information. Commercial and financial information is exempt from disclosure under FOIA pursuant to exemption (b)(4), and additional protections are unnecessary. The comprehensive exemptions already in law have been carefully crafted to protect the most sensitive information from disclosure while prohibiting the Federal Government from withholding information the public is entitled to. Creating unnecessary exemptions will call into question the existing FOIA framework and threaten its twin goals of promoting government transparency and accountability.

The new FOIA exemption in the cyber bill also includes a preemption clause that is overly broad and sets a terrible precedent. As drafted, it applies not only to FOIA, but to all State, local, or tribal disclosure laws. By its very terms, this provision applies not just to transparency and sunshine laws, but to any law ''requiring disclosure of information or records.'' Because this broad preemption of State and local law has not received careful, open consideration, there has not been adequate consultation with State and local governments to consider the potential impacts. Such a sweeping approach could impact hundreds of State and local laws and lead to unintended consequences.

Amending our Nation's premier transparency law and preempting State and local law deserves more public debate and consideration. If we do not oppose this new FOIA exemption, then I expect more antitransparency language will be slipped into other bills without the consideration of the Judiciary Committee. Just a few months ago, I was here on the Senate floor fighting against new FOIA exemptions that had been tucked into the surface transportation bill, and I have no doubt I will be down here again in the future fighting similar fights. But an open and transparent government is worth fighting for. I believe in transparency in our Federal Government, and I believe that FOIA is the backbone to ensuring an open and accountable government. I urge all Members to join me in this effort and vote for the Leahy amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2587, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—37

Baldwin	Gillibrand	Reid
Bennet	Heinrich	Sanders
Blumenthal	Heller	Schatz
Booker	Hirono	Schumer
Boxer	Klobuchar	Shaheen
Brown	Leahy	Stabenow
Cantwell	Lee	Sullivan
Cardin	Markey	Tester
Casey	Menendez	Udall
Coons	Merkley	Warren
Daines	Murray	Wyden
Durbin	Peters	
Franken	Reed	

NAYS—59

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Gardner	Murphy
Blunt	Graham	Nelson
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Carper	Hoeven	Roberts
Cassidy	Inhofe	Rounds
Coats	Isakson	Sasse
Cochran	Johnson	Scott
Collins	Kaine	Sessions
Corker	King	Shelby
Cornyn	Kirk	Thune
Cotton	Lankford	Tillis
Crapo	Manchin	Toomey
Donnelly	McCain	Warner
Enzi	McCaskill	Whitehouse
Ernst	McConnell	Wicker
Feinstein	Mikulski	

NOT VOTING—4

Cruz	Rubio
Paul	Vitter

The amendment (No. 2587), as modified, was rejected.

AMENDMENT NO. 2582

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2582, offered by the Senator from Arizona, Mr. FLAKE.

The Senator from North Carolina.

AMENDMENT NOS. 2582, AS MODIFIED, AND 2552, AS FURTHER MODIFIED

Mr. BURR. Madam President, I ask unanimous consent that the Flake amendment No. 2582 and the Coons amendment No. 2552 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 2582), as modified, and (No. 2552), as further modified, are as follows:

AMENDMENT NO. 2582, AS MODIFIED

At the end, add the following:

SEC. 11. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be in effect during the 10-year period beginning on the date of the enactment of this Act.

(b) EXCEPTION.—With respect to any action authorized by this Act or information obtained pursuant to an action authorized by this Act, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this Act shall continue in effect.

AMENDMENT NO. 2552, AS FURTHER MODIFIED

Beginning on page 23, strike line 3 and all that follows through page 33, line 10 and insert the following:

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104 in a manner other than the real time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled ''National Strategy for Trusted Identities in Cyberspace'' and published by the President in April 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there are—

(i) audit capabilities; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include personal information or information that identifies a specific person not directly related to a cyber security threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General and the Secretary of Homeland Security consider appropriate for entities sharing cyber threat indicators with Federal entities under this title.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers and private entities described in subparagraph (A), periodically, but not less frequently than once every two years, review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the effect on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information or information that identifies specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information or information that identifies specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information or information that identifies specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) consistent with section 104, communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator to describe the relevant cybersecurity threat or develop a defensive measure based on such cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) shall require the Department of Homeland Security to develop and implement measures to remove, through the most efficient means practicable, any personal information of or identifying a specific person not necessary to identify or describe the cybersecurity threat before sharing a cyber threat indicator or defensive measure with appropriate Federal entities;

(D) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators as quickly as operationally possible from the Department of Homeland Security;

(E) is in compliance with the policies, procedures, and guidelines required by this section; and

(F) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this title; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures as quickly as operationally practicable with receipt through the process within the Department of Homeland Security.

(4) EFFECTIVE DATE OF CERTAIN PROVISION.—The requirement described in paragraph (1)(C) shall take effect upon the earlier of—

(A) the date on which the Secretary of Homeland Security determines that the Department of Homeland Security has developed the measures described in paragraph (1)(C); or

(B) the date that is 12 months after the date of enactment of this Act.

AMENDMENT NO. 2582, AS MODIFIED

Mr. FLAKE. Madam President, I thank the chair of the subcommittee and the vice chair, ranking member, for working on this. This was initially a 6-year sunset. This has been moved under the amendment to a 10-year sunset. I believe it is important, when we deal with information that is sensitive, to have a look back after a number of years to see if we have struck the right balance.

We have done that on other sensitive programs like this. I think it ought to be done here. I appreciate the work that Senators BURR and FEINSTEIN and my colleagues have put into this.

I urge support.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I thank my colleagues. We have agreed on this. We can hopefully do this by voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 2582), as modified, was agreed to.

AMENDMENT NO. 2612, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2612, as further modified, offered by the Senator from Minnesota, Mr. FRANKEN.

The Senator from Minnesota.

Mr. FRANKEN. Madam President, the Franken, Leahy, Durbin, and Wyden amendment addresses concerns raised by privacy advocates, tech companies, and security experts, including the Department of Homeland Security.

The amendment tightens definitions of the terms ''cyber security threat'' and ''cyber threat indicator,'' which are currently too broad and too vague, and would encourage the sharing of extraneous information—unhelpful information.

Overbreadth is not just a privacy problem; as DHS has noted, it is bad for cyber security if too much of the wrong kind of information floods into agencies.

My amendment redefines ''cyber security threat'' as an action that is at least reasonably likely to try to adversely impact an information system. It is a standard that tells companies what is expected of them and assures consumers that CISA imposes appropriate limits.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRANKEN. Madam President, I ask unanimous consent for 20 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. The amendment also tightens the definition of ''cyber threat indicator'' to avoid the sharing of unnecessary information. The amendment is intentionally modest. It makes only changes that are most needed for the sake of both privacy and security.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, let me say to my colleagues, again, we are trying to change the words that have been very delicately chosen to provide the certainty that companies understand and need for them to make a decision to share.

Like some other amendments, if you don't want them to share, then provide uncertainty. That is in language changing from ''may'' to ''reasonably likely,'' changing from ''actual'' or ''potential'' to ''harm caused by an incident.'' The Department of Homeland Security is for this bill. The White House is for this bill. Fifty-two organizations representing thousands of companies in America are for this bill. We have reached the right balance. Let's defeat this amendment and let's move to this afternoon's amendments.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified.

Mr. TILLIS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—35

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reid
Blumenthal	Heller	Sanders
Booker	Hirono	Schatz
Boxer	Klobuchar	Schumer
Brown	Lankford	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Lee	Tester
Coons	Markey	Udall
Daines	Menendez	Warren
Durbin	Merkley	Wyden
Franken	Murray	

NAYS—60

Alexander	Collins	Grassley
Ayotte	Corker	Hatch
Barrasso	Cornyn	Heitkamp
Blunt	Cotton	Hoeven
Boozman	Crapo	Inhofe
Burr	Donnelly	Isakson
Capito	Enzi	Johnson
Carper	Ernst	Kaine
Casey	Feinstein	King
Cassidy	Fischer	Kirk
Coats	Flake	Manchin
Cochran	Gardner	McCain

McCaskill	Portman	Shelby
McConnell	Reed	Sullivan
Mikulski	Risch	Thune
Moran	Roberts	Tillis
Murkowski	Rounds	Toomey
Murphy	Sasse	Warner
Nelson	Scott	Whitehouse
Perdue	Sessions	Wicker

NOT VOTING—5

Cruz	Paul	Vitter
Graham	Rubio	

The amendment (No. 2612), as further modified, was rejected.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I ask unanimous consent to address the floor for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, last week I came to the floor to express my support for the Cybersecurity Information Sharing Act, which we are dealing with today. The bipartisan vote of 83 to 14 that happened later that day was an important step in the right direction to deal with this issue. The debate has been encouraging. We need to deal with this threat to our economy. It is a threat to our security, it is a threat to our privacy, and we need to deal with it now.

As I and others have said before, if we wait until there is an event that gets people's attention in such a dramatic way that everybody suddenly realizes what is at stake, there is no telling what kind of overreaction Congress will make. This has been a good debate at the time we should have it. Now, of course, we need to move on.

There have been a lot of amendments offered. Many amendments have been accepted by the managers of the bill. With almost all certainty, today we will finish the remaining amendments pending on the bill and hopefully finish the bill itself. A lot of these amendments have been very well-intentioned—in fact, I suspect they all have been well-intentioned—but in many cases they fundamentally undermine the core purpose of the bill, which is to have voluntary real-time sharing of cyber threats, to allow that sharing to be between private entities and the Federal Government, and even for private entities to be able to share with each other.

This is a bill that creates the liability protections and the anti-trust protections which that particular kind of sharing would allow. Of course, throughout this whole debate, there has been much discussion about how we protect our liberty in an information age. How do we have both security and liberty?

Having served for a number of years on both the House Intelligence Committee and the Senate Intelligence Committee, having served on the Armed Services Committee in the last Congress and in this Congress on the Defense Appropriations Committee, there is no argument in any of those committees that one of our great vulnerabilities is cyber security and how we protect ourselves.

We saw in the last few days that the head of the CIA had his own personal account hacked into apparently by a teenager who is in the process of sharing that information. If the head of the CIA and the head of Homeland Security do not know how to protect their own personal information, obviously information much more valuable than they might personally share is also in jeopardy.

We do need to ensure that we protect people's personal liberties. We need to do that in a way that defends the country. Both of those are primarily responsibilities that we accept when we take these jobs, and it is certainly our responsibility to the Constitution itself.

I think Chairman BURR and Vice Chairman FEINSTEIN have done a good job of bringing that balance together. This bill is carefully crafted in a way that creates a number of different layers of efforts to try to do both of those things.

First, the bill only encourages sharing; it doesn't require it. It doesn't require anybody to share anything they don't want to share, but it encourages the sharing of cyber threats. It works on the techniques and the malware used by hackers. It specifically does not authorize the sharing of personal information, and in fact the bill explicitly directs the Federal Government to develop and make available to the public guidelines to protect privacy and civil liberties in the course of sharing the information.

The Attorney General is required to review these guidelines on a regular basis. The bill mandates reports on the implementation and any privacy impacts by inspectors general and by the Privacy and Civil Liberties Oversight Board, to ensure that these threats to privacy are constantly looked at.

Senator FLAKE's amendment, which we accepted as part of the bill just a few minutes ago, guarantees that this issue has to be revisited.

I gave a speech at Westminster College in Fulton, MO, about a month ago at the beginning of the 70th year of the anniversary of Winston Churchill giving the ''Iron Curtain'' speech on that campus and talking about liberty versus security there. I said I thought one of the things we should always do is have a time that forced us as a Congress to revisit any of the laws we have looked at in recent years to be sure we protect ourselves and protect our liberty at the same time. This is a voluntary bill. Maybe that wouldn't have been quite as absolutely necessary here, but I was pleased to see that requirement again added to this bill, as it has been to other bills like this.

This is a responsible bill. The people the Presiding Officer and I work for can feel good about the responsible balance it has. It defends our security, but it also protects our liberty. I look forward to its final passage today. The debate would lead me to believe, and the votes would lead me to believe, that is going to happen, but of course we need to continue to work now to put a bill on the President's desk that does that.

There still remain things to be done. One of the things I have worked on for the last 3 years—Senator CARPER and I have worked together, Senator WARNER has been very engaged in this discussion, as has Chairman THUNE—is the protection of sensitive personal information as well as how do we protect the systems themselves.

Clearly this information sharing will help in that fight. There is no doubt about that. In addition to supporting this bill, I want to continue to work with my colleagues to see that we have a way to notify people in a consistent way when their information has been stolen.

There are at least a dozen different State laws that address how you secure personal information, and there are 47 different State laws that address how you tell people if their information has been stolen. That is too much to comply with. We need to find one standard. This patchwork of laws is a nightmare for everybody trying to comply and frankly a nightmare for citizens who get all kinds of different notices in all kinds of different ways.

Without a consistent national standard pertaining to securing information, without a consistent national standard pertaining to what happens when you have a data breach and your information is wrongly taken by someone else, we have only done part of this job. So I want us to continue to work to find the solutions there. We need to find a way to establish that standard for both data security and data breach. I am going to continue to work with the Presiding Officer and my other colleagues. Our other committee, the commerce committee, is a critical place to have that happen. I wish we could have done this on this bill. We didn't get it done on this bill, but I would say that now the first step to do what we need to do is dealing with the problem of cyber security in the way this bill does and then finish the job at some later time.

So I look forward to seeing this bill passed today. I am certainly urging my colleagues to vote for it. I think it has the protections the people we work for would want to see, and I am grateful to my colleagues for giving me a few moments here to speak.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

CYBERSECURITY INFORMATION SHARING ACT OF 2015—Continued

The PRESIDING OFFICER. Under the previous order, the time until 4

p.m. is equally divided in the usual form.

The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to comment briefly on the Cybersecurity Information Sharing Act that the Senate is considering. Let me first commend the sponsors, Senator BURR and Senator FEINSTEIN, for their extraordinary work.

This bill will help ensure greater sharing of cyber threat information, more rapidly and broadly, across industry and government. As we have seen with large-scale attacks against the Federal Government and companies such as Sony, there is an urgent need to start addressing these breaches. While such legislation is not going to eliminate our cyber security challenges, it should materially help to defeat and deter cyber attacks and assist law enforcement in tracking down and prosecuting cyber criminals. Information sharing will also assist the intelligence agencies and law enforcement to detect and trace the attacks originating from foreign actors, which is a crucial step in holding other countries accountable.

Many of our citizens and corporations are understandably concerned about the impact of information sharing on privacy. But we also must recognize that rampant cyber crime is a monumental threat to the privacy of the American people, and that sharing information about these criminal acts cannot only protect privacy but also protect our public safety and national security.

With respect to the specific privacy protections in the legislation before us, the managers of this bill have come a long way toward improving the balance between security and privacy protection, especially the changes made to the base bill by the managers' substitute.

A major area of concern was whether the government should be authorized to use information shared under this bill to investigate or prosecute a host of crimes unrelated to cyber security. Now the bill is more narrowly tailored and focused on using information gathered under this bill to go after crimes that are specifically related to cyber security.

The managers' substitute also adds a requirement that the information sharing procedures, required to be issued under this bill, include a duty to notify individuals when the Federal Government shares their personally identifiable information, or PII, erroneously.

The managers' substitute also includes an improved reporting requirement that will show the number of notices sent because the government improperly shared an individual's PII and the number of cyber threat indicators shared automatically and, in addition, the number of times these indicators were used to prosecute crimes.

So the managers' substitute has come a long way toward being more protective of individual privacy, and I would like, once again, to recognize Senators FEINSTEIN and BURR's hard work here and their willingness to listen to their colleagues. While I might personally have set the balance slightly different in some places, which is why I have supported some of the amendments before us, I think they have done a significant job in improving the bill and providing privacy protection.

I do want to draw my colleagues' attention to one important additional fact here, which in some cases has been largely overlooked. The cyber information sharing system established by this bill will require Federal dollars to implement. Many of the agencies involved—the Department of Homeland Security being the primary portal for shared threat indicators—are funded on the nondefense discretionary side of the ledger. This is an example of why I and many of my colleagues have been urging for sequester relief for both defense and nondefense spending—because we cannot defend our homeland without funding nondefense agencies such as the Department of Homeland Security and a host of other key Federal agencies. Indeed, I am encouraged that we are close to voting on a budget solution that will provide 2 years of sequester relief on a proportionally equal basis for defense and nondefense spending, and that protects the full faith and credit of the United States by taking the threat of default off the table until March of 2017.

For this reason, I look forward to final passage of this legislation. I once again commend the principal authors, Senator BURR and Senator FEINSTEIN, for their extraordinary effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2581, AS MODIFIED

Mr. CARPER. Mr. President, I want to go back in time a little more than 12, 13 or 14 years ago, to 9/11. One of the lessons learned by the committee on which the Presiding Officer and I serve, now the Homeland Security and Governmental Affairs Committee, was learned from former Governor Tom Kean of New Jersey, cochair, along with former Congressman Lee Hamilton from Indiana, former chair of the House Foreign Affairs Committee. They were the cochairs of the 9/11 Commission. One of the things they brought to our committee and to the Congress, after a lot of work by a number of good men and women who served on that commission, was the root causes for how that disaster occurred: How could those four aircraft take down the Twin Towers, crash into the Pentagon, and crash into a field in Shanksville, PA, instead of this building right here? How could that have happened?

There are a number of reasons why it happened. But one of the reasons why it happened is that we had stovepiped our intelligence services. What the folks over at the FBI knew wasn't necessarily known or shared with the Department of Homeland Security. What the folks at the National Security Agency knew was not shared with either of the other two agencies. What the Defense Information Agency knew or what other agencies knew simply didn't get shared—stovepiped—because we did a lousy job of sharing the real story, the full truth on what was being plotted, what was going to come down and literally take thousands of lives in one day and change in many ways our country—in profound ways that still exist today. ''Stovepiping''—I have heard that word a hundred times in hearings and before our committee and in talking to folks in the 9/11 Commission. The legislation that we passed on the heels of that disaster was designed to make sure we didn't end up stovepiping again with intelligence information that might lead us to avert that kind of disaster. So far, it seems to be working and is much needed, and I think it has been helpful.

Today, I want to talk about a different kind of stovepiping that I am afraid we may end up with—not to avert or block an aviation takeover of an aircraft and disasters involving the aviation sector but a disaster in cyber space in the face of cyber threats to our country.

We are working here today and will be voting later today on an amendment or two and then on final passage of the Cybersecurity Information Sharing Act. Again, just to remind everybody, the reason why we are considering this is there needs to be a better sharing of information when businesses come under cyber attack from those within our country, outside of our country, cyber nations, and criminal organizations. We need to do a better job of sharing that information—business to business and business to government—and for the government to share that information within the government to agencies that need to know so we can respond to those attacks.

Shortly after the 9/11 Commission recommendations were enacted, one of the things that we did was we stood up a new department called the Department of Homeland Security. It is a civilian agency, as we know. It is not the Department of Defense. It is not the Department of Justice. It is not the FBI, and it is not the National Security Agency. It is a civilian organization.

When the Department of Homeland Security was created, one of the ideas behind it was that it would not be just a civilian operation, but it would be a civilian operation that could receive, from businesses and from other governmental entities, information relating to cyber attacks. That information could come through a portal—think about it; almost like a window—through which those threat indicators would be reported. Those threat indicators would come through that portal at the Department of Homeland Security. The Department of Homeland Security

would do, almost in real time, a privacy scrub to strip off from the information—the threat indicators submitted from other businesses or other government entities—Social Security numbers or other personally identifiable information or information that just shouldn't go to other Federal agencies or other businesses. They would strip it out—not in a week, not in a day, not in an hour, not even, in many cases, in a minute, but just like that—immediately—real-time privacy scrub.

As the Presiding Officer knows, we tried for years to be able to enact legislation that incentivizes businesses that have been victims of cyber attacks to share that information with one another, with other businesses, and with the Federal Government. A bunch of them have been reluctant to do it. Some of them have been reluctant to do it because they don't want to get sued. If they disclose that they had a breach and maybe their competitors didn't, how would that be used against them? How could they be named in lawsuits if attacks occurred?

So in order to get them to be willing to share information, we had to incent them. And the way we decided to incent them is to say: Share the information. You don't have to worry if you share it with the Department of Homeland Security through the portal established in this civilian agency. Share it with the Department of Homeland Security, and you have liability protection or, as it turns out, if you already shared it previously, if it has been shared previously with the Federal Government, you can share it again and still enjoy liability protection. You can share it with companies that are victims of cyber attacks, share it with their regulator, and still enjoy liability protection.

What we want to do is to make sure companies and businesses that are hacked don't just sit on the information, that they do something with it. This is a saying we have on Amtrak: If you see something, say something. If something happens to a business—a cyber attack intrusion—we want them to share it so other businesses and other Federal agencies can be prepared for it, look out for it, and stop it.

Where does this take me? This takes me to an amendment that we are going to be voting on later this afternoon offered by one of our colleagues, Senator COTTON. It would, I fear, risk revisiting stovepiping—not the kind of stovepiping that led to the disaster of 9/11 but stovepiping that could lead to cyber threats—threat indicators shared with the Federal Government but not with the Department of Homeland Security, which receives these threats and immediately disburses them to other agencies that have a need to know. But what the Cotton amendment would do is that it would say that a business that is a victim of a cyber attack could share with the FBI, could share with Secret Service, but wouldn't have to share with the Department of Homeland Security.

The reason why in our legislation, which Senator BURR, Senator FEINSTEIN, I, and others have worked on, we have it going through the Department of Homeland Security is because, more than any Federal agency, they are set up to do privacy scrubs. That is one of the things they do, and, frankly, they do it really well. Their job is to then spread that information and share that information back to the private sector, in some cases, and in other cases, just with relevant agencies—NSA, FBI, Department of Justice, Treasury, whoever else needs to know that information.

As part of the authors of the legislation, I join them in this. Our fear is if the information isn't shared with the Department of Homeland Security, which will then broadly share it in real-time and share that information with those who need to know it, and if it ends up that the FBI or, frankly, any other agency that doesn't have that ability to do a great privacy scrub maybe, that doesn't have maybe the mission to immediately share that information in real time to other relevant players, then the news—the word about that cyber attack—could literally stay at that agency—the FBI or the Secret Service, for that matter. We don't want that to happen. We don't want to see that information stovepiped in one agency. We want to make sure that it goes to one agency that does the privacy scrub. We want to make sure the agency that does the privacy scrub shares that information in real time with relevant Federal agencies and the private sector.

I probably shouldn't pretend to speak for Senator FEINSTEIN and Senator BURR. They will be here to speak for themselves. But I know they share my concerns about this legislation. I ask, on behalf of them, and, frankly, for others of us who believe that this is a dangerous amendment—and I don't say that lightly. We have worked really hard. We have worked really well across the aisle—literally for months now—to get to this point. To use a football analogy, we are not just in the red zone passing this legislation; we are on the 10-yard line, and it is first down and goal to go. Let's not muff the play. Let's get the ball to the end zone. Let's pass this legislation. Let's vote down the Cotton amendment, and let's go to conference. Let's go to conference and provide the kind of protection against cyber attacks that this country desperately needs and deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

CARBON REGULATIONS

Mrs. CAPITO. Mr. President, today I rise on behalf of West Virginian workers, families, communities, and all hardworking Americans who will bear the burden of these onerous carbon mandates. The bipartisan resolution of disapproval, which I have introduced with my colleague Senator HEIDI HEITKAMP from North Dakota and 47 other cosponsors, will block EPA's greenhouse gas regulation targeting existing power sources. I also strongly support Leader MCCONNELL's companion resolution to block the regulations targeting new power limits.

As I was thinking about the speech today and as I rise to give this speech, I realize I have said many of these same words so many times before. I have expressed the same frustrations and spouted off similar statistics. What is the difference this time? The difference is we have already seen the devastating effects and the callous nature of regulatory overreach. We know what the new reality would be. The new reality would be what we are facing with these new carbon regulations: the reality of the families, the faces, and the hardships that we have already endured; the thousands of layoffs in my State of West Virginia that have already been issued; the jobs that have been lost and will never come back.

Just this morning, nearly 200 West Virginia coal miners in Randolph County were informed that their jobs will be gone by Christmas. Think about how those families will spend their Christmas holiday. Then consider how those realities will be magnified and felt throughout many households across the country if these carbon mandates move forward—the higher electricity bills that will result, the squeeze that already is squeezing struggling middle-class families who are living on fixed incomes, and the squeeze that those who live on fixed incomes will feel. Our most vulnerable will bear the burden. Consider the far-reaching effects these regulations will have on schools that are now seeing their budgets shrink, home values that are now on the decline, and fewer dollars that are available for public safety and law enforcement.

It is reality that the policies emanating from this government—from our government—are causing this destruction. This is not a natural disaster. This is not a fiscal crisis. This is not an uncontrollable event but a carefully crafted, precise, and very meditated assault on certain areas of the country. These are policies that help some States and truly hurt others, policies that target States like West Virginia and North Dakota where we produce some of the most reliable and affordable energy, and policies that are ripping the American dream away from families in my State and communities. Our families want and deserve healthy, clean air and water, and they want to live in a great environment. But policies from Washington that pit one State against another and prioritize certain communities and certain jobs over others are bringing the livelihoods of many to a halt. On behalf of Americans across the country, Members of Congress now have the opportunity to express our concerns with these carbon mandates. We have an opportunity to weigh in about whether these burdensome regulations should go into effect.

I believe that a majority of my colleagues understand the need for affordable and reliable energy, and that is why I am confident that Congress will pass these resolutions and place this critical issue of America's economic future squarely on President Obama's desk. With the international climate negotiations in Paris scheduled for December, the world is watching whether the United States will foolishly move forward with regulations that will do virtually nothing to protect our environment and will tie one hand behind our back economically. Even if the President vetoes these resolutions—and we recognize the likelihood that he will—passing them will send a clear message to the world that the American people do not stand behind the President's efforts to address climate change with economically catastrophic regulations.

I am pleased to be joined by several colleagues on the floor who understand the need for affordable and reliable energy. I would like to recognize Senator HEITKAMP.

I ask unanimous consent to engage in a colloquy with my colleagues for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Thank you, Mr. President, and thank you to my great colleague from the great State of West Virginia, a State that has been powering America for many years—in fact, from the very beginning. My thanks go to all of the great workers and coal miners in her State who have added to our economic opportunity, not just for the people in West Virginia but for the people of an entire region.

That is one thing we forget—that in America a great miracle happens every day. We turn on a light switch and the lights come on. If that doesn't happen or if it is too expensive to turn on that light switch, we will not be the country that we are. With this regulation, I think what we have done is cede the all-important role of electrical security and energy security to an environmental agency that does not have the experience or expertise to understand what it takes to get an electron in the wire.

I am proud to stand today with my colleague Senator CAPITO and introduce a bill to roll back the EPA rule on carbon emissions—that rule which threatens the supply of abundant, affordable, and reliable electricity in North Dakota. I pledge to register my displeasure through multiple channels. This legislation today is the most public way of expressing not just my frustration but the frustration and concern of my State regulators and my State utilities.

Although this rule will have dramatic consequences across the country, it unfairly targets North Dakota utilities. During the original draft rule, North Dakota's allocation was 11 percent. This is not something we were happy with given the extent of the jurisdictional reach but something that people started rolling up their sleeves saying if we have to reduce by 11 percent, how are we going to do it and how are we going to meet this challenge? That is the North Dakota way, to not only fight for our rights but also look at what the alternatives are. Unfortunately, when the draft rule went from an 11-percent to a 45-percent reduction in the final rule, that was the straw that broke the camel's back.

I am trying to do everything I can to push back against EPA's burdensome powerplant rules to find workable solutions so North Dakotans can continue to have low-cost, reliable electricity. This CRA is one of the many different avenues I am taking to make sure that North Dakota is treated fairly.

I want to talk about what is unique about North Dakota. In fact, a lot of the generation that happens in North Dakota is generation that is generated by rural electric co-ops. These co-ops own and operate about 90 percent of the State's coal-based generation facilities, and they provide electricity to rural areas that in the past other utilities would not serve, not just rural areas in North Dakota but rural areas all through the region. These are people at the end of the line, as we call them, the very people that this rule will most impact and that EPA and this administration failed to consider when they made this final rule.

North Dakota's utilities are heavily invested in coal-based generation for a good and historic reason. I think this is an important point to make because a lot of people may say: Well, what is the difference? You can fuel switch. But at the time our electric co-ops built these generation facilities, they used coal because it was against Federal law to use natural gas. The fuel use act made it illegal to use natural gas for power generation, virtually forcing these power companies to make the investment that they made in this fuel source of coal. Now, after making billions of dollars of investments to meet the mandates under the fuel use act and to meet the numerous emissions standards that have been put forth by EPA, the administration once again is straining these assets, causing them in many cases to be stranded. If the administration were willing to pay fair market value to strand these assets, then maybe we could have a discussion, but I don't see that deal on the table. These utilities built, modified, and retrofitted all at great cost and according to Federal law at the time, and now they are threatening the very existence of this generation.

These assets are not just critical to North Dakota. Our coal-based generation provides dependable, affordable, reliable baseload electricity to millions of people in the Great Plains with roughly 55 percent of electric power generated in North Dakota being shipped outside our border.

When this final rule came out, I simply said that it was a slap in the face to our utilities and our regulators. This final rule was so vastly different from the rule that was proposed, it was almost laughable that EPA said it wasn't in any way informed by any real input or any real comment. How can you take a utility and a State from 11 percent to 45 percent and not reissue that rule? How can that be the movement in the final rule?

I think this final rule is a rule that jeopardizes close to 17,000 good-paying jobs in my State. It provides power for rural communities that otherwise would struggle for affordable, reliable baseload power. We have some of the lowest power costs in the country because we have some of the best utilities in the country, which are always looking out for the consumer at the end of the line.

North Dakota has never stepped down from a tough challenge, especially when the challenge is fair, the goal is attainable, and the timeline is achievable, but that is not this rule. The goal is not fair, the challenge is not fair, the goal is not attainable, and the timeline is unachievable in my State—unachievable. That is not anything the Clean Air Act ever anticipated—that we would set a goal with no feasible or possible way of meeting that goal, given current technology. Yet that is the position we are in.

At the end of the day, what matters most is making sure that our utilities can do their jobs, making sure that when a North Dakotan or a South Dakotan or someone from Wyoming or Colorado, where we deliver power—and certainly those in Minnesota—reaches over to turn on that light switch, regardless of the time of the day, that light comes on. That is called baseload power. People who think this is easy, people who think this is just switch fuels or switch technology, have never sat in a boardroom as I have and listened to the challenges of putting that electron on that wire.

I stand with my colleague from West Virginia and my colleague JOE MANCHIN here on our side of the aisle saying enough is enough. This is a problem we need to address. Maybe that is the difference in how we look at this. This is an issue that we can tackle and achieve results over time, but this rule is wrong. It is wrongheaded. It will, in fact, cause huge disruption to the economy of my State and the economy of the middle of this country. We have to do everything we can to prevent this rule from becoming a reality.

Thank you for letting me join you, the great Senator from West Virginia. We have two great Senators from West Virginia here.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, there is a war on coal in America—a war on coal in America. The leader is the President of the United States. A number of us were in the Senate in 2009 and 2010, and the administration

couldn't pass their cap-and-trade proposal through the Senate. They had 60 votes in the Senate. The President and his party had 60 votes in the Senate, but they couldn't pass the cap-and-trade proposal through this body, so they decided they were going to do it anyway. They decided they were going to do it anyway.

As the two Senators from West Virginia can attest, we have a depression in central Appalachia, created not because of anything we did here in Congress but because of the President's zeal to have an impact worldwide on the issue of climate. I suspect that even if we follow this path all the way to the end, this effort by the United States would have about as much impact as dropping a pebble in the ocean. Yet we are paying a real price for it here at home. Eastern Kentucky looks like the Dust Bowl during the thirties—no jobs, no opportunity, no future, not as a result of anything we passed through the people's elected representatives but by this sort of arrogant, singlehanded messianic goal to deal with worldwide climate.

Our options to stop it are quite limited. We do have the possibility of the Congressional Review Act, but the weakness of that obviously is that even though we can pass it with a simple majority, he is likely to veto it.

We are here today to stand up for our people, the ratepayers of America, and not only the ratepayers—90 percent of the electricity in Kentucky comes from coal—but the communities that have been devastated by this. I have never seen anything like it. I heard my parents talk about what the Depression was like. It sounds and looks a lot like the stories they told me about America in the 1930s.

This is a venture that will have no impact on the issue for which it is being pursued but is having a devastating and current adverse impact on the people we represent.

We have representatives from both parties here on the floor today working toward overturning the administration's deeply regressive energy regulations. These regulations are going to ship more middle-class jobs overseas. I told my constituents last year: Coal has a future; the question is, Does coal have a future in this country? The Indians and the Chinese are not going to give up their future by not using this cheap and abundant source of power. The Germans—one of the greenest countries in Europe—are now importing coal. So coal has a future. The question is, Does it have a future here after this administration?

My folks can't even put food on the table. The ones who can find a job somewhere are leaving. The population continues to decline.

As I said earlier, it is not going to have much of an impact on the environment of our planet. This isn't going to do anything meaningful to affect global carbon levels. It just seems that someone wants to be able to pat themselves on the back for doing something even if they accomplish hardly anything at all, except hurt a whole lot of Americans. Higher energy bills and lost jobs may be trivial to some folks out on the political left—not their jobs; they don't care—but it is a different story for the middle-class Kentuckians whom I represent.

So here we have on the floor Senators from both parties who are saying it is time to take off the ideological blinders and instead think about those who have already suffered enough over the past few years. We have worked together to file bipartisan measures that would overturn the administration's two-pronged regulations. I have joined with Senator HEITKAMP and Senator CAPITO on a measure that would address one of those prongs, the one that pertains to existing energy sources. Senator MANCHIN is here on the floor and joined me as I introduced a measure that would address the other prong, the one that pertains to new sources. These bipartisan measures together represent a comprehensive solution. As I said, I am pleased to be joined here on the floor by Senators from West Virginia and North Dakota. Senator DAINES from Montana is here—another important coal State. The chairman of our Environment and Public Works Committee, Senator INHOFE, is here, and some have already spoken and some will speak after me. I am proud and pleased to be here on the floor with all of my colleagues standing up for our aggrieved constituents who have been mightily abused by this administration.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I want to thank my colleagues, Senator MCCONNELL, Senator CAPITO, who is my colleague from the State of West Virginia, Senator DAINES, Senator INHOFE, and my good friend Senator HEITKAMP.

This is a bipartisan approach. Not often do we see a bipartisan effort, a bipartisan colloquy on the floor of the Senate anymore, and there should be because we all have the same interests. Basically, how do we provide affordable, dependable, and reliable energy? That is what this country was built on. We have defended this country by having resources that we could use to basically defend ourselves, and that resource has come from what the Good Lord gave us. Coal has been in abundance in the United States of America. We have fought every war, we have defended, we have energized, and we have built a middle class unlike at any time in the history of this world.

So now it comes to the point where there is a group—basically the ones on an ideological pathway—who says we can do it differently. If someone came to me and said: We have this new great energy, and I am sorry, West Virginia and North Dakota and Oklahoma and Montana, we have this new energy—and maybe it is commercial hydrogen, which will be water vapor—that is wonderful. We will figure a way. We will embrace that. We will figure a way to make it. We will do something. We will diversify. That is not the case. The case is simply this: This country has depended and will depend—even by this administration's admission, this country will depend on fossil fuel for at least the next three decades. It is in the EIA report. They are going to have to have it. Baseload, as the Senator from North Dakota said, is simply this: something that will give us power 24/7, day and night, rain or shine. There are only two things in the world that can do it: coal and nuclear. Gas is coming on and gas will be a baseload when the distribution lines and the pipelines are there to provide it. Right now it is not, but it is coming on strong.

Just look no further than Japan. Japan was mostly moving toward nuclear. Fukushima happens. When that happened, Japan had to change. What did they do? They changed to coal. But they decided the new plants they would build would be ultra super critical. That means 40 percent efficiency, burning at the highest levels to reduce the emissions. They are moving in technology ways.

Now, what does the plan that we are talking about and we have our colleagues talking about—existing source, which means they can't continue with what we have today, and new source, which means any new plant has to be built to certain standards. Carbon capture sequestration has not been proven commercially, not at one plant in America. Yet these rules are based on using carbon capture sequestration.

All we have said—some of us have said this: Why don't you at least demonstrate that you can have that type of commercial operation and that it can withstand 1 year under commercial load and show us those are the new limits you want us to meet? That, to me, is reasonable.

Let me tell my colleagues this: If you were in the business of producing power and you desired not to do that even though we had technology, then you would have to close your plant. I understand that. That is not the case. They can't show us technology and show us that it has a commercial feasible pathway to be able to perform and provide the energy we need. There is no way they can do it.

So I have said this: If it is unobtainable, it is unreasonable. That is all. Don't expect me to do something that has never been done. If the Federal Government says: Fine, we have $8 billion lying down at the Department of Energy—$8 billion that hasn't been tapped—does that not tell us something?

The private sector has not stepped up to take those types of loans and to use those types of loans to find the new technology for the future because they don't believe the administration wants

us to find any new technology that might be able to adhere to the standards they have set.

So we sat back and we have done nothing. Then, on top of that, they expect these plants, 30 years from now—if they are expecting to get commercial power, electricity, fill the grid with power coming from coal for the next 30 years—most of our plants average 50 years of age. They can't produce the power they are going to produce—that we will need for this country to have for 30 more years. An 80-year-old plant just won't do it. So that means they come off the line, off the grid. When that comes off the grid, what we call dependable, reliable, and affordable energy goes away. It goes away.

I have said this: Someone needs to respectfully ask our President, this administration, the EPA, the DOE: If for the next 90 days not another ton of coal was delivered to a coal plant in America—not another ton of coal because—and I have said this to the administration. They have been very eloquent in basically telling the American people: We don't like coal, we don't want coal, and we don't need coal. If those were the facts, then make sure you tell the American people, if they didn't have coal for 90 days, what the United States of America would look like. Just tell me what it would look like. Ask anybody what it would look like. The lives of 130 million people would be in jeopardy tomorrow—130 million people. This system could collapse. The east coast could be dark. Now, you tell me how you are going to fill that in. And if you are not willing to be honest with the American people and tell them that, don't make them believe there is something that is not there, that you can run this off of wind and solar.

We have a lot of wind in West Virginia, and we are proud of that. I will give an example. My colleagues will remember the hottest days this past summer, that very hot spell we had, 90 to 100 degrees. We have 17 acres of a wind farm on top of a beautiful mountain in West Virginia, 560 megawatts. We have a coal-fired plant sitting there, the cleanest super-critical coal-fired plant on Mount Storm, 1,600 megawatts. Guess how many megawatts of power the wind produced during the hottest times of the summer when we needed the power. Two megawatts. Two. The wind didn't blow. It was so hot and stagnant, it didn't blow. That poor little coal-fired plant was giving it everything it had to try to produce the power the Nation needed.

I am just saying the facts are the facts whether we like them or not. So when this plan comes out and says that any new coal-fired plant being built has to be—you can basically be assured they are not going to build any. When they are saying existing plants have to meet certain standards, they won't invest and try to hit a moving target.

So now what happens? For the 35 to 40 percent of the power you are telling the United States of America, the people in this great country, that we have—don't worry, we are going to take care of you, it is not going to happen. We are not going to stand by and say we are not going to fight for that. We are not only fighting for a way of life for West Virginia, we are fighting for a way of life for this country.

This country depends on energy we have been able to produce. We have always depended on our little State. North Dakota, now one of the best energy-producing States we have in the country—Montana, Wyoming, Oklahoma—we have been the heavy lifters. We will continue to work for this great country. We just need a little help. That is all we are asking for.

So I would say, ask the question: What would the country look like tomorrow? The standards they are setting are basically unreasonable, totally unreasonable, because they are unobtainable.

The impact is going to be devastating, basically. The system is going to be to the point to where we can't depend on it, it is not reliable, and we don't have the power of the future yet. Maybe our children or grandchildren might see that. I hope so. But until the time comes where we are going to transition from one to the other, make sure it is a smooth transition. Make sure it is a dependable transition. Make sure it is one that keeps this country the superpower of the world. If we don't, I guarantee we will be the last generation standing as a superpower saying that we are energy independent; we are not fighting wars around the world basically for the energy this country needs. We have the ability to basically take care of ourselves. We can be totally independent with energy if we have an energy policy that works, but it has to be realistic. This is not.

That is why I totally oppose this new power plan which is coming out. It is a shame that we have to rely on the courts to protect something we should be doing in the Halls of this Senate. It is a shame that the courts have to step in to protect us.

With that being said, I yield the floor, and I thank my colleagues for being here on this important issue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the fact that my colleagues from West Virginia, North Dakota, Kentucky, and Montana—all of us are getting together on this in a bipartisan way. I think it is worth repeating, to make sure everyone understands where we are on this, what a CRA is. The CRA is the Congressional Review Act. It is an act that allows an elected person who is answerable to the public to weigh in on these decisions that are made by the President—who can't run again for office—and by the unelected bureaucrats who are destroying this country.

As was pointed out by the Senator from Kentucky, I do chair the committee called the Environment and Public Works Committee. On this committee, we deal with these regulations. We have jurisdiction over the EPA. It is interesting I would say that because we tried to get the EPA to come in and testify as witnesses as to how the President plans to move to the percentage of power that is going to be generated by the year 2030 by renewables, and they won't testify because they don't have a plan. They don't know how they are going to do it.

The CRA is significant because there are a lot of people in this case who would be the liberals in this body who like the idea of being overregulated, who like the idea of having the regulators run our lives, and they are the ones who would love to go home when people are complaining about the cost of all of these things and they can say: Well, wait a minute. Don't blame us. That was a bureaucrat who did that; that wasn't me.

Well, this forces accountability, and these guys don't like it. I can assure you right now that we are going to give everyone an opportunity to weigh in on what these issues are. They would much prefer to go home and say: I know we are overregulating and I know it is destroying the States—whatever the States happen to be—but it wasn't me, don't look at me.

Now we are going to see who is responsible because what is going to happen is we are going to have a vote. The vote is going to take place, and I think our leader is correct when he says the President will probably veto this. If the President vetoes it, it comes back for a veto override, and then people will know who is for it and who is against it. So I think a CRA has another great value. It forces accountability by people who are answerable to the public.

On the issue we are discussing today, the interesting and the consistent pattern we have is that what this President does is he gets the things they tried to do through over—through legislation, and those things that fail through legislation he tries then to do by regulation.

Let me give you an example. Another issue—not the issue we are talking about today—is the WOTUS issue, the waters of the United States. Historically, it has been the States that have regulations over the waters except for navigable waters. Well, of course, liberals want everything in Washington. So 5 years ago a bill was introduced, and the bill would have essentially taken the word ''navigable'' out so that the Federal Government would have control over all the waters in my State of Oklahoma and throughout America. Two of them introduced a bill, one was Senator Feingold of Wisconsin and the House Member was Congressman Oberstar from one of the Northern States. I don't know which one it was. They introduced a bill to take the word ''navigable'' out. Not only did we overwhelmingly defeat the legislation, but the public defeated the two of them in the next election.

Now the President is trying to do what he was not able to do through legislation through regulation. The same thing is true—the Senator from West Virginia is right when he talked about what they are trying to do. It is very interesting when you look at this bill. We are talking about the emissions of CO_2. The first bill that was introduced was in 2002. It was the McCain-Lieberman bill. We defeated that. The next one was the McCain-Lieberman bill in 2005, and the third one was the Warren-Lieberman bill in 2008. Then we had the Waxman-Markey bill that we never even got to vote on because nobody was going to vote for it.

So what they fail to be able to do legislatively, they are now trying to do through regulations, and that is why a CRA is significant because it does force accountability.

Let me make one other statement. This thing about Paris that is going to take place in December. This is the big party that the United Nations puts on every year. It is the 21st year they have done this. I can remember when they did it in 2009. That was going to be Copenhagen. Several people went over there at that time. President Obama was in the Senate, Hillary was in the Senate, PELOSI was there, and John Kerry went. They went over there to tell the 192 countries that were meeting in Copenhagen—the same 192 countries that will be meeting in 2 months—went over to tell them we were going to pass cap-and-trade legislation that year. That was 2009.

I went over after they had given their testimony there. I went all the way over to Copenhagen, spent 3 hours, and came all the way back on the next flight. I probably had the most enjoyable 3 hours I ever had because I was able to talk to 192 countries and tell them they had been lied to; that we are not going to be passing it. The same thing is going on in December of this year.

By the way, let me just mention one thing that hasn't been said. There are people out there listening to this who actually believe this stuff, that the world is going to come to an end because of CO_2 manmade gases. This is something we have been listening to for a long period of time. I remember right before going to Copenhagen in 2009—at that time the Administrator of the Environmental Protection Agency was Lisa Jackson, an appointee by President Obama, and I asked her this question on the record, live on TV. I asked: If we had passed any of the legislation or the regulations that we are talking about passing, would this have an effect of lowering the CO_2 worldwide? She said—now keep in mind this was an Obama appointee—by the way, Obama was President at that time when he went to Copenhagen. She said: Well, no, it wouldn't reduce emissions worldwide because it just pertains to the United States.

This isn't where the problem is. The problem is in India, it is in China, it is in Mexico. The problem we would have there is, yes, we might lower our CO_2 emissions in the United States. However, those other countries will not, and it could have the effect of increasing, not decreasing, CO_2 emissions because as we chase our manufacturing base overseas to places they don't have any restrictions, we would have the effect of increasing it.

So I am just saying I appreciate the fact we are all together on this and making the necessary efforts to make people accountable. I think it might surprise a lot of people as to who changes their mind on this once they know they have to cast a vote and be accountable.

I applaud, certainly, my friends from West Virginia and the other States that are involved in this. I think this is the right thing to do. Let's keep in mind the Utility MACT—that is the maximum achievable control technology—was the first shock to put coal under. At that time we did a CRA, and we actually came within four votes of getting the bill passed, and that was when Republicans were not a majority. I look for some good things to happen, and I think we are doing what is right and responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I ask unanimous consent for additional time so the Senator from Montana can join the colloquy. As he reminds me, the Senator has the largest recoverable tonnage of coal in the Nation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAINES. Thank you, Mr. President.

This administration is shutting down coal-fired powerplants in the United States. I thank the Senator from West Virginia, Mrs. CAPITO, the other Senator from West Virginia, Mr. MANCHIN, and we have Senator HEITKAMP here. We had Democrats and Republicans in colloquy talking about what is going on with coal-fired plants and the Clean Power Plan of this administration.

This is what is happening. It is killing good-paying jobs for union workers, for pipefitters, for boilermakers, and tribal members in my State with these so-called Clean Power Plan regulations. At the same time, it is stifling investment that could lead to innovation to make coal cleaner in the United States.

As I travel across Montana, I have heard Montanans describe the EPA as—a rancher once told me it stands for ''Eliminate Production Agriculture.'' A union member recently told me it stands for the ''Employment Prevention Agency.'' President Obama and his ''Employment Prevention Agency'' continues to wage war on American energy, American families, and on American jobs. This so-called Clean Power Plan is an all-out frontal assault on affordable energy and good-paying union jobs as well as tribal jobs. This will leave President Obama directly responsible for skyrocketing energy bills, a loss of tax revenue for our schools, teachers and our roads and the unemployment of thousands of hard-working Americans. The President ignores the fact that more than half of Montana's electricity comes from coal, as do thousands of jobs and $120 million in tax revenue every year.

In fact, 40 percent of our Nation's energy comes from coal. When a young person plugs their iPhone or their smartphone into the wall and charges it, most likely it is being charged by coal.

In my hometown of Bozeman, we have a Tesla charging station at one of our hotels. Elon Musk at Tesla did an amazing, innovative job creating electric vehicles, but when they plug those Tesla vehicles into those chargers, those Tesla vehicles in Montana are likely powered by coal.

The facts are that coal production in the United States is much safer and less carbon intensive than coal from other nations. As had been mentioned, this is a global challenge we must think about and address. The Powder River Basin in Southeast Montana has coal that is among the cleanest in the world. It has lower sulfur content and cleaner than Indonesian coal. Shutting down U.S. coal will have a negligible impact on global coal demand and global emissions. However, it will ultimately make it more likely that less technologically advanced coal production techniques will be used around the world.

This is the way to think about it. The United States consumes about 10 percent of the world's coal. Said another way, 90 percent of the coal consumption in the world occurs outside the United States, and the global demand for coal-fired energy will not disappear even if the United States were to shut down every last coal mine and every last coal-fired plant.

Again, individuals are entitled to their own opinions but not to their own facts. Here are the facts. Coal use around the world has grown about four times faster than renewables. There are 1,200 coal plants planned across 59 countries. About three-quarters of them will be in China and India. China consumes 4 billion tons of coal per year versus the United States at 1 billion tons. China is building a new coal-fired plant every 10 days, and that is projected to last for the next 10 years.

In Japan—I used to have an office in Tokyo. My degree was in chemical engineering, and I was part of a software company with offices around the world. I remember the big earthquake that struck Japan—the 9.0 quake. The Fukushima nuclear reactors were disabled. How is Japan dealing with that? They are building 43 coal-fired powerplants. By 2020, India may outbuild 2½ times more coal capacity as the United States is about to use. So it is shortsighted and misguided to move forward on an agenda that is going to devastate

significant parts of the economy. It is going to raise energy prices and destroy union jobs and tribal jobs.

We are seeing that already in Montana. Earlier this month, in the month of October, a customer of the Crow Tribe, the Sherco Coal plant in Minnesota announced it needs to shut down two units. This cuts off a significant portion of the customer base for Crow coal. Because the Crow Tribe relies on coal-fired Midwest utilities for most of its non-Federal revenue and for good-paying private jobs at the Absaloka Mine, the unemployment rate on the Crow reservation today is in the high 40 percent. Without these coal mining jobs, that unemployment rate will go to 80 to 85 percent.

Ironically, some of the first impacted by the Obama administration's new regulations are those who can least afford it. You have heard it from Senators on both sides of the aisle today. Under the final rule, the Colstrip powerplant in Montana will likely be shuttered, putting thousands of jobs at risk. We must take action. We need to stop these senseless rules.

This past weekend I joined the Montana attorney general, Tim Fox, in Helena to announce that Montana, along with 23 other States, has filed a lawsuit against the Federal Government because of Obama's recent decision. There are currently 26 States—the majority of the States in this United States—through three different lawsuits that have requested an initial stay on the rule.

As Leader MCCONNELL mentioned in 2010, a Democratic-controlled Congress could not pass these regulations. The people's House stopped it, but now President Obama and the EPA are moving forward without the people's consent.

I am thankful to partner with a bipartisan group of my colleagues, Leader MCCONNELL, Senator CAPITO, Senator INHOFE, Senator MANCHIN, and Senator HEITKAMP, who are speaking out and working to stop this harmful rule. I am proud to stand and join them as a cosponsor of two bipartisan resolutions of disapproval under the Congressional Review Act that would stop the EPA from imposing the anti-coal regulation.

Coal keeps the lights on, it charges our iPhones, and it will continue to power the world for decades to come. Rather than dismissing this reality, the United States should be on the cutting edge of technological advancements in energy development. We should be leading the way in using clean, affordable American energy.

America can and should power the world. We can only do it if the Obama administration steps back from the out-of-touch regulations and allows American innovation to thrive once again. In summary, we need more innovation, not more regulations.

Thank you, and I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I would like to thank my colleagues for joining me in a colloquy, particularly the Senator from North Dakota, who is cosponsoring the Congressional Review Act legislation with me on existing coal-fired powerplants, and certainly my colleague from West Virginia Senator MANCHIN. We have worked very well together in a bipartisan way on these issues—Leader MCCONNELL, Chairman INHOFE, and Senator DAINES from Montana.

I think we have presented a clear picture of the impact of these rules. So I ask unanimous consent that any time spent in a quorum call before the 4 p.m. vote series be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

PUERTO RICO

Mr. NELSON. Mr. President, I want to talk about the financial crisis that is going on in Puerto Rico. We have all heard about the current situation that Puerto Rico finds itself in. They are suffering. They are having trouble paying their bills and their economy is in shambles. Some people have the attitude ''Well, that is not our problem,'' but they are forgetting the fact that Puerto Rico is part of the United States. It is a territory. It is not a foreign country. Puerto Ricans are American citizens.

If a problem exists in Puerto Rico, it exists in the United States. It is not something we can just ignore. It impacts the entire country. If the economy continues to suffer in Puerto Rico, the people there will just move to another part of the country. I want to repeat that. If things are bad in Puerto Rico economically, they—Puerto Ricans—can move to another part of the country. This is not immigration; this is a move to the mainland. Many Puerto Ricans are leaving Puerto Rico because of it is troubles.

Happily, many of the people who live on the island are moving to Florida. They are adding to the diversity and immense fabric of Florida that reflects the entire country, but our gain in Florida is Puerto Rico's loss. There are more than 1 million people in Florida alone who may have preferred to stay at home on the island with their friends and their families. People who otherwise would be opening small businesses or new doctors' offices in San Juan are opening them in Orlando. This only hurts Puerto Rico's economic future.

We need to give Puerto Rico the tools it needs to get its economy back on track. Puerto Rico cannot do that alone. Congress needs to pitch in. I have joined a number of our colleagues—BLUMENTHAL, SCHUMER, and MENENDEZ—in being a sponsor of the Puerto Rico Chapter 9 Uniformity Act. It fixes a glitch in the Federal bankruptcy law that stops Puerto Rico's municipalities and public corporations from restructuring their debt through the Federal bankruptcy court, something that is law in all of the States. That is why we have a bankruptcy law, but there is a glitch that you cannot do that in Puerto Rico. That is simply unfair. The people of Puerto Rico should get equal protection under the law.

Both the Finance Committee and the Energy and Natural Resources Committee have held hearings in the past few weeks about the economic crisis in Puerto Rico. Two of Puerto Rico's elected officials, Governor Garcia Padilla and Congressman PIERLUISI, have testified at these hearings. Both said that Puerto Rican public corporations need access to Chapter 9 debt restructuring.

It is this Senator's strong desire that we see them treated equally under the law and that this legislation to fix this glitch comes to the floor soon. We also need to help Puerto Rico's health care system. The Medicaid Program in Puerto Rico serves nearly 1.7 million residents. It is in terrible shape. In 2010, Congress passed the Affordable Care Act, which provided Puerto Rico with a $5.4 billion one-time payment to cover health care costs. That money is set to expire in 2019, but it could even run out sooner.

Under Medicare Part D, Puerto Rican residents are being treated like second-class citizens. They don't get the same financial support that State residents get for prescription drug coverage. This has an effect on their economy, stifling their ability to emerge from the crisis, not to speak of the fact that they are not getting the health care other American citizens have.

I remind you, Puerto Ricans are American citizens. So this kind of treatment under Medicare flies in the face of the most basic American value—equality. That is why several of us have joined Senator SCHUMER on a bill to improve the way Puerto Rico is treated under Medicare and Medicaid.

Last week, thankfully, the White House released a set of legislative proposals to help Puerto Rico. Included in that list were some of the bills I have mentioned here that I support. I urge our colleagues to give this problem the attention it demands. We should move the proposals that we can move in this legislative body. We should do it with haste. There are more than 3½ million people in Puerto Rico. They are U.S. citizens who, unlike most U.S. citizens, have no one to represent them in this Chamber and only have a nonvoting delegate in the House of Representatives. They have no voice here, but even with no voice, there are some of us in this Chamber who will make sure that their voice is heard. We cannot turn our backs on fellow Americans. By the way, when it comes time to defend this country and our national security, look at the percentage of Puerto Ricans who sign up for the military. They are fellow Americans. I ask my colleagues to look deep in their hearts

and find a way to come together to help the island of Puerto Rico, a territory, our fellow American citizens, to get through this troubled time.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET AGREEMENT

Mr. NELSON. Mr. President, since I see no one is waiting to speak, I might offer a couple of comments about the proposed budget agreement. We are still evaluating this, looking at the details, but first things first. This seems to me to be something we should agree to. It certainly gets us past this artificial debt crisis that would cause the United States to go into economic cataclysmic fits.

If we do not raise the debt ceiling, America cannot pay its obligations it has already incurred. It would be the first time the U.S. Government went into default. That time has already run out, but through extraordinary measures the Secretary of the Treasury has been able to keep the cashflow going, but he is running out of all of his tricks of the trade next week, November 3. That is the first thing it would do most immediately.

The second thing it would do is it would get us over this budgetary impasse of a budget that lays out the blueprint—for the flushing out of that blueprint, which are the appropriations bills. So in the case of the budget, what had been brought forth was a budgetary gimmick of saying we were going to raise the amount of money we needed for defense, but it was not going to meet this arbitrary budget cap that had been set 3 years ago by the cuts across the board called the sequester. But oh, by the way, we were going to increase that defense spending a little more by creating an additional account over and above what we spend overseas called the overseas contingency fund, OCO, and therefore money was going to be supplied—the increases we need in defense—with in fact not increasing the budgetary caps on spending.

Well, that was budgetary fakery. That was budgetary sleight of hand. That was not budgetary truth. This agreement stops that for the next 2 years. Two years from now we will have to face the same thing and get rid of this artificial cut across the board. That is no way of dealing with trying to cut the budget. You ought to be cutting the budget with a scalpel, not with a meat cleaver, where you come across the board on every program.

Indeed, what this agreement does is it raises the caps on defense in this first year $25 billion. It allows an OCO increase of $23 billion—and that is considerably less than what had been proposed earlier. Indeed, as you get into fiscal year 2017, it raises the budgetary caps on defense by $15 billion, also a $23 billion OCO, or overseas contingency fund, for the war effort over in Central Asia.

This is a good program, but the other thing this agreement corrects—in the Republican budget, they had only raised money for defense spending, and all the other needs of government that need to be appropriated—nondefense discretionary spending—were kept artificially low. If you are talking about grants from NIH, that was all being limited. If you are talking about money for NASA as we get into the program of going to Mars, all of that had been cut. If you are talking about agricultural programs, all of that had been cut. No matter what program—education, the environment, you go on down the list—all of that had been cut.

This budget agreement that we will vote on hopefully in the next 2 or 3 days does, in fact, raise those budgetary caps for nondefense spending as well as for defense spending. So where the caps were raised in this first year of fiscal year 2016 by $25 billion for defense spending, so too $25 billion for nondefense discretionary spending. Likewise, in the next fiscal year, 2017, where the caps had been raised $15 billion for defense spending, likewise, nondefense discretionary and all those other needs of government, the same amount—$15 billion.

I will have more to say about this later, but while I have the opportunity, I wish to commend to the Senate that I think it is certainly in the interests off of our country to move forward and approve this new budgetary agreement.

By the way, I might add as I close that an agreement has been hammered out between the Republican and the Democratic leadership in both Houses, along with the White House.

I yield the floor.

Mr. LEAHY. Mr. President, in today's digital age, many Americans live their lives online. We communicate via email, use photo sharing and social networking Web sites, store documents in the cloud, and access our private financial and medical information through the Internet. The amount of sensitive electronic data that we create and store on the Internet is staggering and will only continue to grow. We know that cyber security is an important component of protecting our critical infrastructure. A cyber attack targeting the electric grid in the Northeast, for example, could have dire effects during a cold Vermont winter. I know that Vermonters care about cyber security, and Congress must act responsibly to strengthen our ability to defend against cyber attacks and breaches. But I also know that Vermonters care deeply about their privacy and civil liberties, and I believe just as strongly that whatever Congress does in the name of cyber security must not inadvertently undermine the privacy and security of Vermonters and all Americans.

For years, Congress has seemed singularly focused on the private sector's desire for voluntary information sharing legislation. While improving the flow of cyber threat information between the government and private sector is a laudable goal that I support, it is not a panacea for our cyber security problems. Information sharing alone would not have prevented the major breaches of the past year, such as the breach at the Office of Personnel Management, OPM, or the breaches at Sony, Home Depot, or Anthem.

Narrowly tailored legislation to facilitate the sharing of technical, cyber threat data could be beneficial, but the Senate Intelligence Committee's bill lacks certain basic safeguards and threatens to significantly harm Americans' privacy. That is why I have heard from a number of Vermonters who oppose the bill and that is why consumer advocacy organizations, privacy and civil liberties groups, and major technology companies like Apple, Dropbox, and Twitter all vocally oppose the bill. The technology companies know firsthand the importance of ensuring our cyber security, and they oppose this bill because they believe it does little to improve our cyber security and would ultimately undermine their users' privacy.

For months, I have worked with Senator FEINSTEIN to improve this bill. She has been receptive to my concerns, and I appreciate that many of the revisions that I suggested are now incorporated into the managers' amendment. The managers' amendment now makes clear that companies can only share information for cyber security purposes, which is an improvement from the original legislation. It also prohibits the government from using information shared by private companies to investigate routine crimes that have nothing to do with cyber security. And it removes a completely unnecessary and destructive new exemption to the Freedom of Information Act, FOIA, which had the potential to greatly restrict government transparency. These are significant improvements, and I am thankful to Senator FEINSTEIN for working with me to incorporate them into the bill.

Unfortunately, the Senate Intelligence Committee's bill still has major flaws. This bill overrides all existing legal restrictions to allow an unprecedented amount of data—including Americans' personal information—to flow to the government without adequate controls and restrictions. It needlessly requires all information shared with the government to be immediately disseminated to a host of Federal agencies, including to the NSA. It fails to adequately require companies to remove irrelevant personal information before sharing with the government. The bill contains broad authorizations that allow companies to monitor traffic on their networks with liability protection and employ ''defensive measures'' that may

cause collateral harm to innocent Internet users. The bill also continues to include another unnecessary FOIA exemption that will weaken the existing FOIA framework.

Proponents of the bill have attempted to assuage many of these concerns by arguing that sharing under this bill is voluntary, and if companies do not want to share information with the government or use the authorities in the bill, they do not have to. This bill may be voluntary for companies, but it is not voluntary for consumers. American consumers have no say on whether their information is shared with the government and ends up in an NSA or IRS database. They may have no recourse if a company needlessly monitors their Internet activity or inappropriately shares their personal information with the government.

Rather than limiting the dissemination of information in order to protect the private and proprietary information of Americans and American businesses, this bill goes in the wrong direction by giving companies more liability protection and more leeway on how to share our information. The most effective action Congress can take to improve our cyber security is to pass legislation that requires companies to take greater care of how they use and protect our data, not less. And we should pass my Consumer Privacy Protection Act to require companies to protect our personal information and help prevent breaches in the first place. The cyber security legislation before us today does nothing to address this very real concern, so I cannot support it. I fear that this bill will significantly undermine our privacy, and I urge Senators to vote against passage.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2581, AS MODIFIED

Mr. COTTON. Mr. President, today I speak in support of the Cotton amendment to the Cybersecurity Information Sharing Act. My amendment is straightforward. It simply would provide liability protection to any business or other private organization that shares cyber threat indicators to the FBI or the Secret Service.

In its current form, the Cybersecurity Information Sharing Act would require entities to submit these cyber threat indicators through a portal created and run by the Department of Homeland Security in order to receive liability protection. But there are also two exceptions that would allow entities to receive liability protection outside the DHS portal: first, if a submission was related to a previously shared cyber threat indicator, and second, if the submitting entity is sharing information with its Federal regulatory authority. But not every private entity has a Federal regulatory authority, thank goodness, so where a cable company can share with the FCC or an energy company can go to the Department of Energy or FERC, other businesses are forced to go to the DHS portal. Good examples are retailers such as JCPenney, Walmart, Target, and Home Depot.

When the trade associations for two victims of the biggest cyber attacks in recent memory—Target and Home Depot—are pleading for this language, we should take notice and incorporate it. Anything else would be unfair, inequitable, and unwise.

We ought to give these companies an alternative to the DHS portal. One simple reason is that nobody knows what the portal will look like, how it will function, or how much it will cost companies to interact with it. The Federal Government, after all, doesn't have the best track record for designing and deploying IT systems. Healthcare.gov was not exactly a resounding success. One could easily imagine a company trying to share a cyber threat indicator and getting an error message from the portal, just as millions of Americans received when they tried to sign up for ObamaCare.

In this case, regulated businesses can just go to their regulator. Private and small businesses will be out of luck, though. This is the primary reason my amendment has such strong private support. Organizations such as the National Retail Federation, the chamber of commerce, the National Cable & Telecommunications Association, and many others support this commonsense amendment.

The second main reason that entities should be able to share directly with the FBI and the Secret Service is that the bill is about promoting collaboration between the government and the private sector, as the National Security Council says that we should in this tweet: ''More than any other national security topic, effective cybersecurity requires the US gov't & private sector to work together.'' I agree.

As Director Comey recently told the Senate Intelligence Committee, the FBI has redoubled its efforts to reach out to private businesses in this area. This has paid dividends. And there is no entity in the Federal Government that the private sector trusts more on cyber security than the FBI. That is why Sony Pictures called the FBI when it was hacked by North Koreans last year.

I also have to imagine that is the main reason the White House endorsed my amendment over the weekend when they sent out this very helpful tweet: ''If you are a victim of a major cyber incident, a call to @FBI, @SecretService, or @DHSgov is a call to all.'' My goodness, Susan Rice and I stand together in agreement that if you are a victim of a cyber incident, you should be able to call the FBI, the Secret Service, or the DHS. I thank the National Security Advisor and the White House for their support for the concept behind my amendment.

I would also like to take a few moments to dispel a few myths about this amendment. The first myth is that the Cybersecurity Information Sharing Act creates a single portal at DHS for liability-protected information sharing with the Federal Government and that the Cotton amendment would create an unprecedented second channel.

This is false. The bill authorizes multiple liability-protected sharing channels with the Federal Government, not just one, through a broad exception to the DHS portal that permits certain regulated businesses to engage in liability-protected sharing of cyber threat information directly with any Federal regulators without requiring that it first pass through DHS. The Cotton amendment simply provides the same flexibility for businesses that already have established threat-sharing relationships with the FBI or the Secret Service to maintain their existing channels for sharing and not incur significant costs and delays to establish new ones with DHS. My amendment is consistent with this multichannel sharing approach.

The second myth is that my amendment would harm privacy as it would allow the sharing of cyber threat indicators with the FBI and the Secret Service and that the sharing with these agencies wouldn't happen under the bill in its current form.

This is also false. Under the current version of the bill, if an entity shares information through the DHS portal, the FBI and Secret Service will receive it. My amendment doesn't change that or the privacy protections in the bill. Both with and without my amendment, the FBI and Secret Service will get cyber threat indicators.

The third myth is that the scrub DHS would have to conduct for personally identifiable information is not as rigorous under my amendment.

Again, this is not true. The Cybersecurity Information Sharing Act requires all Federal entities receiving threat indicators to protect privacy by removing personal information that may still be contained in them before sharing with other entities. My amendment does not eliminate or weaken any of the bill's privacy requirements, as the FBI and Secret Service are required to protect privacy in the same way all other Federal entities receiving threat indicators.

Finally, I simply want to note that the House-passed version of the bill contains a nearly identical provision, and that bill passed with overwhelming bipartisan support on a 307-to-116 vote.

To sum up, the Cotton amendment has overwhelming support in the private sector, including companies that have been victims of cyber crimes. It would lead to greater information sharing between the private sector and the Federal Government. It preserves the privacy protections in the bill. When it was included in the House bill, both

Republicans and Democrats voted yes. I therefore ask my colleagues on both sides of the aisle to support this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

Mr. BURR. Mr. President, what is the order of business?

AMENDMENT NO. 2552, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2552, as further modified, offered by the Senator from Delaware, Mr. COONS.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to speak and urge a ''no'' vote on amendment No. 2552, known as the Coons amendment.

This amendment essentially adds another layer of review to the bill's current requirements. We worked this out in an earlier amendment with Senator CARPER. This amendment goes further, and it could prevent parts of the government from quickly learning about cyber threats at machine speed because it would require an additional privacy review for any information going through the DHS portal.

The Carper amendment that I spoke about was adopted as part of the managers' package, which made clear that the government should take automated steps to ensure that the real-time information sharing system can both protect privacy and allow for sharing at the speed necessary to stop cyber threats. Because the Coons amendment will slow down sharing via the DHS portal, I ask my colleagues to join me in voting no.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to urge my colleagues to support my amendment to make sure that this bill strikes the right balance between privacy and security.

I respect the very hard work of Senators BURR and FEINSTEIN and the constructive amendment that my senior Senator TOM CARPER added to the managers' amendment. I do believe this bill has made significant movement in the right direction. But I remain concerned, and my amendment's purpose is to require that DHS review all cyber threat indicators it receives and to remove personally identifying information by the most efficient means practicable. It would not necessarily—according to the amendment in the managers' package—be required that DHS scrub, unless multiple agency heads unanimously agree on the scrubbing process. My amendment's purpose is to simply ensure that these privacy scrubs—done at machine speed, done in a responsible way—protect citizen privacy and our security. I don't think we should be forced to choose between those two.

I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2552, as further modified.

Mr. BURR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Ms. AYOTTE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—41

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Heller	Reid
Booker	Hirono	Sanders
Boxer	Klobuchar	Schatz
Brown	Leahy	Schumer
Cantwell	Lee	Shaheen
Cardin	Markey	Stabenow
Coons	Menendez	Sullivan
Daines	Merkley	Tester
Durbin	Moran	Udall
Flake	Murkowski	Warren
Franken	Murphy	Wyden
Gardner	Murray	

NAYS—54

Alexander	Enzi	McConnell
Ayotte	Ernst	Mikulski
Barrasso	Feinstein	Nelson
Blunt	Fischer	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Carper	Hoeven	Rounds
Casey	Inhofe	Sasse
Cassidy	Isakson	Scott
Coats	Johnson	Sessions
Cochran	Kaine	Shelby
Collins	King	Thune
Corker	Kirk	Tillis
Cornyn	Lankford	Toomey
Cotton	Manchin	Warner
Crapo	McCain	Whitehouse
Donnelly	McCaskill	Wicker

NOT VOTING—5

Cruz	Paul	Vitter
Graham	Rubio	

The amendment (No. 2552), as further modified, was rejected.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I ask unanimous consent that the cloture motion on S. 754 be withdrawn; that prior to the vote on adoption of the Burr-Feinstein substitute amendment, the managers' amendment at the desk be agreed to; and that following adoption of the substitute, the bill be read a third time and the Senate vote on passage of the bill, as under the previous order. I further ask that notwithstanding adoption, the Flake amendment No. 2582 be modified with the technical change at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2582), as further modified, is as follows:

At the end, add the following:

SEC. 408. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be in effect during the 10-year period beginning on the date of the enactment of this Act.

(b) EXCEPTION.—With respect to any action authorized by this Act or information obtained pursuant to an action authorized by this Act, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this Act shall continue in effect.

AMENDMENT NO. 2581, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2581, as modified, offered by the Senator from Arkansas, Mr. COTTON.

The Senator from Arkansas.

Mr. COTTON. Madam President, I support this important bill, but I want to strengthen it.

Under the bill, a business receives liability protection by reporting threats to DHS or its regulatory agency, but many businesses, especially retailers like Target or Home Depot, don't have a regulator; thus, they must report to DHS. They have no choice. They must report to DHS even if they have longstanding ties to the FBI, as did Sony Pictures.

I contend that we should allow these businesses to choose between the DHS, FBI, and Secret Service. Fortunately, the White House appears to agree with my position. The National Security Council tweeted over the weekend: ''If you are a victim of a major cyber incident, a call to @FBI, @SecretService, or @DHSgov is a call to all.''

This amendment wouldn't undermine the single-point-of-reporting concept behind this bill because there is already an exception for the regulators, nor would it impair privacy rights because those rules apply to the FBI.

Finally, I would note that the House-passed version of this bill includes a nearly identical provision, and that got 307 votes.

Let's join together in a bipartisan fashion, adopt this amendment, and strengthen the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, we are almost at the end. This is the last amendment.

Unfortunately, I rise to ask my colleagues to vote against the amendment of not only my colleague but a member of the Intelligence Committee. This is a deal-killer. I will be very honest. This kills the deal. One of the thresholds that we had to reach was the balance to have one portal that the information goes through. This creates a new

portal. The White House is not in favor of it. Downtown is not in favor of it because they understand what it does.

We are this close right now to a voluntary information sharing bill. I can assure you that this is the first step. We have a ways to go. But if you want to stop it dead in its tracks, support this amendment. If, in fact, you want to get this across the goal line, then I would ask you to defeat the Cotton amendment and let us move to passage of this bill. Let us go to conference with the House.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. BURR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—22

Boozman	Kirk	Scott
Capito	Lankford	Sessions
Cornyn	McCain	Shelby
Cotton	McConnell	Thune
Fischer	Perdue	Toomey
Grassley	Portman	Whitehouse
Inhofe	Rounds	
Isakson	Sasse	

NAYS—73

Alexander	Enzi	Moran
Ayotte	Ernst	Murkowski
Baldwin	Feinstein	Murphy
Barrasso	Flake	Murray
Bennet	Franken	Nelson
Blumenthal	Gardner	Peters
Blunt	Gillibrand	Reed
Booker	Hatch	Reid
Boxer	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Sanders
Cantwell	Hirono	Schatz
Cardin	Hoeven	Schumer
Carper	Johnson	Shaheen
Casey	Kaine	Stabenow
Cassidy	King	Sullivan
Coats	Klobuchar	Tester
Cochran	Leahy	Tillis
Collins	Lee	Udall
Coons	Manchin	Warner
Corker	Markey	Warren
Crapo	McCaskill	Wicker
Daines	Menendez	Wyden
Donnelly	Merkley	
Durbin	Mikulski	

NOT VOTING—5

Cruz	Paul	Vitter
Graham	Rubio	

The amendment (No. 2581), as modified, was rejected.

Mr. COTTON. I yield back all time.

AMENDMENT NO. 2749 TO AMENDMENT NO. 2716

(Purpose: To improve the substitute amendment)

The PRESIDING OFFICER. Under the previous order, the managers' amendment, No. 2749, is agreed to.

The amendment is printed in today's RECORD under ''Text of Amendments.''

VOTE ON AMENDMENT NO. 2716, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment No. 2716, as amended.

The amendment (No. 2716), as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I ask my colleagues for just the next 2 minutes to allow Senator FEINSTEIN and me to thank our colleagues for their help over the last several days as we have worked through the cyber bill.

I thank my vice chairman, who has been beside me all the way, and I thank Chairman JOHNSON and Ranking Member CARPER for the input they provided.

I want to say to committee staff who has worked night and day to get us to this point and to members of the committee who worked diligently for months to get this legislation enacted that I could not have done it without you.

Now the work begins as we go to conference.

I turn to the vice chairman.

Mrs. FEINSTEIN. I thank you very much.

Madam President, I just want to say a personal word to Chairman BURR, and maybe it is to everyone in this body. One of the things I have learned from two prior cyber bills is that if you really want to get a bill done, it has to be bipartisan, particularly a bill that is technical, difficult, and hard to put together, and a bill where often there are two sides. I thank you for recognizing this. We stood shoulder to shoulder and the right things happened, and now we can go to conference.

I also want to say that we did everything in this bill we possibly could to satisfy what were legitimate privacy concerns. The managers' package had 14 such amendments, and before that our staffs sat down with a number of proposals from Senators and went over literally dozens of additional amendments. So we took what we could.

When the chairman talks about the balance, what he means is that this is the first time the chamber of commerce has supported a bipartisan bill. This is the first time we had virtually all the big employers—banks and retailers and other companies—supporting a bipartisan bill because today everybody understands what the problem of cybersecurity is much greater. So we stood shoulder to shoulder, and you all responded, and I am very grateful.

There is still a lot of work to be done, but, Mr. Chairman, you and your staff have been terrific. I would like to single a couple of them out, if I might, in particular, Chris Joyner, Michael Geffroy, Jack Livingston, Janet Fisher, John Matchison, and Walter Weiss.

I also want to thank TOM CARPER, who has been working to get this bill passed as much as anyone. He wrote one of the key changes in the managers' package to improve privacy as information moves through the DHS portal. He was supported by his chairman, Senator JOHNSON. He has been a close partner throughout the process, and I thank him.

I also thank Gabbie Batkin, Matt Grote, and the other members of Senator CARPER's staff.

We had incredible support from our committee. It is a committee of 15—8 Republicans and 7 Democrats. I thank Senator COLLINS, who was particularly concerned about the critical infrastructure of this country, as well as Senators MIKULSKI, WHITEHOUSE, KING, WARNER, HEINRICH, BLUNT, NELSON, and COATS. I know they will help us push this bill forward as we go to conference with the House.

I greatly appreciate the supporters of this bill outside the Senate, to include the U.S. chamber of commerce and the associations that have endorsed this bill, tech companies like IBM and Oracle, Secretary Jeh Johnson at the Department of Homeland Security, and NSA Directors Keith Alexander and MIKE ROGERS, and Lisa Monaco and Michael Daniel at the White House.

On my staff, I would like to thank David Grannis, our staff director on the minority side. David has been there for these previous cyber bills, and it has proven to be a very difficult issue. David, you are a 10.

I also thank Josh Alexander. Josh has been our lead drafter and negotiator and knows these cyber issues better than anyone. He has been tireless on reaching agreement after agreement on this bill, and is, as much as anybody, responsible for today's vote.

I would also like to thank my former cyber staffer Andy Grotto, as well as Mike Buchwald, Brett Freedman, Nate Adler, and Nick Basciano. Thank you all so very much.

Finally, I very much appreciate the work done by Ayesha Khanna in the Democratic leader's office and Jeffrey Ratner at the White House.

We have the administration behind the bill, we have the Department of Homeland Security behind the bill, and we have the editorial pages of the Washington Post and the Wall Street Journal, as well as the chamber of commerce, and most of the businesses of America.

So, Mr. Chairman, you did a great job, and thank you from the bottom of my heart.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I just want to add my words of congratulation to Chairman BURR and Ranking Member FEINSTEIN. This is a

very complicated issue, as we all know. It has been around multiple Congresses, and it took their leadership and coordination and cooperation first to produce a 14-to-1 vote in the committee and then this extraordinary success we have had out here on the floor. I know all of us are extremely proud of the great work you have done.

Congratulations. We deeply appreciate the contribution you have made to our country.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. TILLIS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—74

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Barrasso	Gardner	Nelson
Bennet	Gillibrand	Perdue
Blumenthal	Grassley	Peters
Blunt	Hatch	Portman
Boozman	Heinrich	Reed
Boxer	Heitkamp	Reid
Burr	Hirono	Roberts
Cantwell	Hoeven	Rounds
Capito	Inhofe	Sasse
Carper	Isakson	Schatz
Casey	Johnson	Schumer
Cassidy	Kaine	Scott
Coats	King	Sessions
Cochran	Kirk	Shaheen
Collins	Klobuchar	Shelby
Corker	Lankford	Stabenow
Cornyn	Manchin	Thune
Cotton	McCain	Tillis
Donnelly	McCaskill	Toomey
Durbin	McConnell	Warner
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	

NAYS—21

Baldwin	Franken	Risch
Booker	Heller	Sanders
Brown	Leahy	Sullivan
Cardin	Lee	Tester
Coons	Markey	Udall
Crapo	Menendez	Warren
Daines	Merkley	Wyden

NOT VOTING—5

Cruz	Paul	Vitter
Graham	Rubio	

The bill (S. 754), as amended, was passed, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—CYBERSECURITY INFORMATION SHARING

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cybersecurity Information Sharing Act of 2015''.

SEC. 102. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given the term in section 1 of the Clayton Act (15 U.S.C. 12);

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) APPROPRIATE FEDERAL ENTITIES.—The term ''appropriate Federal entities'' means the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Energy.

(D) The Department of Homeland Security.

(E) The Department of Justice.

(F) The Department of the Treasury.

(G) The Office of the Director of National Intelligence.

(4) CYBERSECURITY PURPOSE.—The term ''cybersecurity purpose'' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(5) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''cybersecurity threat'' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) EXCLUSION.—The term ''cybersecurity threat'' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(6) CYBER THREAT INDICATOR.—The term ''cyber threat indicator'' means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(7) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''defensive measure'' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) EXCLUSION.—The term ''defensive measure'' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or data on an information system not belonging to—

(i) the private entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(8) ENTITY.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ''entity'' means any private entity, non-Federal government agency or department, or State,

tribal, or local government (including a political subdivision, department, or component thereof).

(B) INCLUSIONS.—The term ''entity'' includes a government agency or department of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(C) EXCLUSION.—The term ''entity'' does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) FEDERAL ENTITY.—The term ''Federal entity'' means a department or agency of the United States or any component of such department or agency.

(10) INFORMATION SYSTEM.—The term ''information system''—

(A) has the meaning given the term in section 3502 of title 44, United States Code; and

(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

(11) LOCAL GOVERNMENT.—The term ''local government'' means any borough, city, county, parish, town, township, village, or other political subdivision of a State.

(12) MALICIOUS CYBER COMMAND AND CONTROL.—The term ''malicious cyber command and control'' means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

(13) MALICIOUS RECONNAISSANCE.—The term ''malicious reconnaissance'' means a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(14) MONITOR.—The term ''monitor'' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(15) PRIVATE ENTITY.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ''private entity'' means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.

(B) INCLUSION.—The term ''private entity'' includes a State, tribal, or local government performing electric or other utility services.

(C) EXCLUSION.—The term ''private entity'' does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(16) SECURITY CONTROL.—The term ''security control'' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

(17) SECURITY VULNERABILITY.—The term ''security vulnerability'' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(18) TRIBAL.—The term ''tribal'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 103. SHARING OF INFORMATION BY THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Consistent with the protection of classified information, intelligence sources and methods, and privacy and civil liberties, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall develop and promulgate procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators in the possession of the Federal Government with cleared representatives of relevant entities;

(2) the timely sharing with relevant entities of cyber threat indicators or information in the possession of the Federal Government that may be declassified and shared at an unclassified level;

(3) the sharing with relevant entities, or the public if appropriate, of unclassified, including controlled unclassified, cyber threat indicators in the possession of the Federal Government;

(4) the sharing with entities, if appropriate, of information in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats; and

(5) the periodic sharing, through publication and targeted outreach, of cybersecurity best practices that are developed based on ongoing analysis of cyber threat indicators and information in possession of the Federal Government, with attention to accessibility and implementation challenges faced by small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(b) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed and promulgated under subsection (a) shall—

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators in real time consistent with the protection of classified information;

(B) incorporate, to the greatest extent practicable, existing processes and existing roles and responsibilities of Federal and non-Federal entities for information sharing by the Federal Government, including sector specific information sharing and analysis centers;

(C) include procedures for notifying, in a timely manner, entities that have received a cyber threat indicator from a Federal entity under this title that is known or determined to be in error or in contravention of the requirements of this title or another provision of Federal law or policy of such error or contravention;

(D) include requirements for Federal entities sharing cyber threat indicators or defensive measures to implement and utilize security controls to protect against unauthorized access to or acquisition of such cyber threat indicators or defensive measures;

(E) include procedures that require a Federal entity, prior to the sharing of a cyber threat indicator—

(i) to review such cyber threat indicator to assess whether such cyber threat indicator contains any information that such Federal entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat and remove such information; or

(ii) to implement and utilize a technical capability configured to remove any personal information or information that identifies a specific person not directly related to a cybersecurity threat; and

(F) include procedures for notifying, in a timely manner, any United States person whose personal information is known or determined to have been shared by a Federal entity in violation of this Act.

(2) COORDINATION.—In developing the procedures required under this section, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall coordinate with appropriate Federal entities, including the Small Business Administration and the National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), to ensure that effective protocols are implemented that will facilitate and promote the sharing of cyber threat indicators by the Federal Government in a timely manner.

(c) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

SEC. 104. AUTHORIZATIONS FOR PREVENTING, DETECTING, ANALYZING, AND MITIGATING CYBERSECURITY THREATS.

(a) AUTHORIZATION FOR MONITORING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written consent of an authorized representative of the Federal entity; and

(D) information that is stored on, processed by, or transiting an information system monitored by the private entity under this paragraph.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the monitoring of an information system, or the use of any information obtained through such monitoring, other than as provided in this title; or

(B) to limit otherwise lawful activity.

(b) AUTHORIZATION FOR OPERATION OF DEFENSIVE MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, operate a defensive measure that is applied to—

(A) an information system of such private entity in order to protect the rights or property of the private entity;

(B) an information system of another entity upon written consent of such entity for operation of such defensive measure to protect the rights or property of such entity; and

(C) an information system of a Federal entity upon written consent of an authorized representative of such Federal entity for operation of such defensive measure to protect the rights or property of the Federal Government.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the use of a defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(c) AUTHORIZATION FOR SHARING OR RECEIVING CYBER THREAT INDICATORS OR DEFENSIVE MEASURES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, an entity may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other entity or the Federal Government a cyber threat indicator or defensive measure.

(2) LAWFUL RESTRICTION.—An entity receiving a cyber threat indicator or defensive measure from another entity or Federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive

measure by the sharing entity or Federal entity.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the sharing or receiving of a cyber threat indicator or defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(d) PROTECTION AND USE OF INFORMATION.—

(1) SECURITY OF INFORMATION.—An entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under this section shall implement and utilize a security control to protect against unauthorized access to or acquisition of such cyber threat indicator or defensive measure.

(2) REMOVAL OF CERTAIN PERSONAL INFORMATION.—An entity sharing a cyber threat indicator pursuant to this title shall, prior to such sharing—

(A) review such cyber threat indicator to assess whether such cyber threat indicator contains any information that the entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat and remove such information; or

(B) implement and utilize a technical capability configured to remove any information contained within such indicator that the entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat.

(3) USE OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES BY ENTITIES.—

(A) IN GENERAL.—Consistent with this title, a cyber threat indicator or defensive measure shared or received under this section may, for cybersecurity purposes—

(i) be used by an entity to monitor or operate a defensive measure that is applied to—

(I) an information system of the entity; or

(II) an information system of another entity or a Federal entity upon the written consent of that other entity or that Federal entity; and

(ii) be otherwise used, retained, and further shared by an entity subject to—

(I) an otherwise lawful restriction placed by the sharing entity or Federal entity on such cyber threat indicator or defensive measure; or

(II) an otherwise applicable provision of law.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the use of a cyber threat indicator or defensive measure other than as provided in this section.

(4) USE OF CYBER THREAT INDICATORS BY STATE, TRIBAL, OR LOCAL GOVERNMENT.—

(A) LAW ENFORCEMENT USE.—

(i) PRIOR WRITTEN CONSENT.—Except as provided in clause (ii), a cyber threat indicator shared with a State, tribal, or local government under this section may, with the prior written consent of the entity sharing such indicator, be used by a State, tribal, or local government for the purpose of preventing, investigating, or prosecuting any of the offenses described in section 105(d)(5)(A)(vi).

(ii) ORAL CONSENT.—If exigent circumstances prevent obtaining written consent under clause (i), such consent may be provided orally with subsequent documentation of the consent.

(B) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator shared with a State, tribal, or local government under this section shall be—

(i) deemed voluntarily shared information; and

(ii) exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records.

(C) STATE, TRIBAL, AND LOCAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), a cyber threat indicator or defensive measure shared with a State, tribal, or local government under this title shall not be directly used by any State, tribal, or local government to regulate, including an enforcement action, the lawful activity of any entity, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator.

(ii) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—A cyber threat indicator or defensive measure shared as described in clause (i) may, consistent with a State, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems.

(e) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Except as provided in section 108(e), it shall not be considered a violation of any provision of antitrust laws for 2 or more private entities to exchange or provide a cyber threat indicator, or assistance relating to the prevention, investigation, or mitigation of a cybersecurity threat, for cybersecurity purposes under this title.

(2) APPLICABILITY.—Paragraph (1) shall apply only to information that is exchanged or assistance provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system; or

(B) communicating or disclosing a cyber threat indicator to help prevent, investigate, or mitigate the effect of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system.

(f) NO RIGHT OR BENEFIT.—The sharing of a cyber threat indicator with an entity under this title shall not create a right or benefit to similar information by such entity or any other entity.

SEC. 105. SHARING OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES WITH THE FEDERAL GOVERNMENT.

(a) REQUIREMENT FOR POLICIES AND PROCEDURES.—

(1) INTERIM POLICIES AND PROCEDURES.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in coordination with the heads of the appropriate Federal entities, develop and submit to Congress interim policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(2) FINAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in coordination with the heads of the appropriate Federal entities, promulgate final policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are only subject to a delay, modification, or other action due to controls established for such real-time process that could impede real-time receipt by all of the appropriate Federal entities when the delay, modification, or other action is due to controls—

(I) agreed upon unanimously by all of the heads of the appropriate Federal entities;

(II) carried out before any of the appropriate Federal entities retains or uses the cyber threat indicators or defensive measures; and

(III) uniformly applied such that each of the appropriate Federal entities is subject to the same delay, modification, or other action; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104 in a manner other than the real time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled ''National Strategy for Trusted Identities in Cyberspace'' and published by the President in April, 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there are—

(i) audit capabilities; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include personal information or information that identifies a specific person not directly related to a cyber security threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General and the Secretary of Homeland Security consider appropriate for entities sharing cyber threat indicators with Federal entities under this title.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers and private entities described in subparagraph (A), periodically, but not less frequently than once every two years, review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the effect on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information or information that identifies specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information or information that identifies specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information or information that identifies specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) consistent with section 104, communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator to describe the relevant cybersecurity threat or develop a defensive measure based on such cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators shared through the real-time process within the Department of Homeland Security;

(D) is in compliance with the policies, procedures, and guidelines required by this section; and

(E) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this title; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures in real time with receipt through the process within the Department of Homeland Security.

(4) OTHER FEDERAL ENTITIES.—The process developed and implemented under paragraph (1) shall ensure that other Federal entities receive in a timely manner any cyber threat indicators and defensive measures shared with the Federal Government through such process.

(5) REPORT ON DEVELOPMENT AND IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the development and implementation of the capability and process required by paragraph (1), including a description of such capability and process and the public notice of, and access to, such process.

(B) CLASSIFIED ANNEX.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.—

(1) NO WAIVER OF PRIVILEGE OR PROTECTION.—The provision of cyber threat indicators and defensive measures to the Federal Government under this title shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection.

(2) PROPRIETARY INFORMATION.—Consistent with section 104(c)(2), a cyber threat indicator or defensive measure provided by an entity to the Federal Government under this title shall be considered the commercial, financial, and proprietary information of such entity when so designated by the originating entity or a third party acting in accordance with the written authorization of the originating entity.

(3) EXEMPTION FROM DISCLOSURE.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be—

(A) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records; and

(B) withheld, without discretion, from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) EX PARTE COMMUNICATIONS.—The provision of a cyber threat indicator or defensive measure to the Federal Government under this title shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

(5) DISCLOSURE, RETENTION, AND USE.—

(A) AUTHORIZED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(i) a cybersecurity purpose;

(ii) the purpose of identifying a cybersecurity threat, including the source of such cybersecurity threat, or a security vulnerability;

(iii) the purpose of identifying a cybersecurity threat involving the use of an information system by a foreign adversary or terrorist;

(iv) the purpose of responding to, or otherwise preventing or mitigating, an imminent threat of death, serious bodily harm, or serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(v) the purpose of responding to, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(vi) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iv) or any of the offenses listed in—

(I) sections 1028 through 1030 of title 18, United States Code (relating to fraud and identity theft);

(II) chapter 37 of such title (relating to espionage and censorship); and

(III) chapter 90 of such title (relating to protection of trade secrets).

(B) PROHIBITED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) PRIVACY AND CIVIL LIBERTIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be retained, used, and disseminated by the Federal Government—

(i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);

(ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain personal information or information that identifies specific persons; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing personal information or information that identifies a specific person.

(D) FEDERAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be directly used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any entity, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) EXCEPTIONS.—

(I) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) PROCEDURES DEVELOPED AND IMPLEMENTED UNDER THIS TITLE.—Clause (i) shall not apply to procedures developed and implemented under this title.

SEC. 106. PROTECTION FROM LIABILITY.

(a) MONITORING OF INFORMATION SYSTEMS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring of information systems and information under section 104(a) that is conducted in accordance with this title.

(b) SHARING OR RECEIPT OF CYBER THREAT INDICATORS.—No cause of action shall lie or be maintained in any court against any entity, and such action shall be promptly dismissed, for the sharing or receipt of cyber threat indicators or defensive measures under section 104(c) if—

(1) such sharing or receipt is conducted in accordance with this title; and

(2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a manner that is consistent with section 105(c)(1)(B) and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 105(a)(1) and guidelines are submitted to Congress under section 105(b)(1); or

(B) the date that is 60 days after the date of the enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require dismissal of a cause of action against an entity that has engaged in gross negligence or willful misconduct in the course of conducting activities authorized by this title; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

SEC. 107. OVERSIGHT OF GOVERNMENT ACTIVITIES.

(a) BIENNIAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the heads of the appropriate Federal entities shall jointly submit and the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy, in consultation with the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress a detailed report concerning the implementation of this title during—

(A) in the case of the first report submitted under this paragraph, the most recent 1-year period; and

(B) in the case of any subsequent report submitted under this paragraph, the most recent 2-year period.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) An assessment of the sufficiency of the policies, procedures, and guidelines required by section 105 in ensuring that cyber threat indicators are shared effectively and responsibly within the Federal Government.

(B) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 105(c), including any impediments to such real-time sharing.

(C) An assessment of the sufficiency of the procedures developed under section 103 in ensuring that cyber threat indicators in the possession of the Federal Government are shared in a timely and adequate manner with appropriate entities, or, if appropriate, are made publicly available.

(D) An assessment of whether cyber threat indicators have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purposes of this title.

(E) A review of the type of cyber threat indicators shared with the appropriate Federal entities under this title, including the following:

(i) The number of cyber threat indicators received through the capability and process developed under section 105(c).

(ii) The number of times that information shared under this title was used by a Federal entity to prosecute an offense consistent with section 105(d)(5)(A).

(iii) The degree to which such information may affect the privacy and civil liberties of specific persons.

(iv) A quantitative and qualitative assessment of the effect of the sharing of such cyber threat indicators with the Federal Government on privacy and civil liberties of specific persons, including the number of notices that were issued with respect to a failure to remove personal information or information that identified a specific person not directly related to a cybersecurity threat in accordance with the procedures required by section 105(b)(3)(D).

(v) The adequacy of any steps taken by the Federal Government to reduce such effect.

(F) A review of actions taken by the Federal Government based on cyber threat indicators shared with the Federal Government under this title, including the appropriateness of any subsequent use or dissemination of such cyber threat indicators by a Federal entity under section 105.

(G) A description of any significant violations of the requirements of this title by the Federal Government.

(H) A summary of the number and type of entities that received classified cyber threat indicators from the Federal Government under this title and an evaluation of the risks and benefits of sharing such cyber threat indicators.

(3) RECOMMENDATIONS.—Each report submitted under paragraph (1) may include recommendations for improvements or modifications to the authorities and processes under this title.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) BIENNIAL REPORT FROM PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(A) an assessment of the effect on privacy and civil liberties by the type of activities carried out under this title; and

(B) an assessment of the sufficiency of the policies, procedures, and guidelines established pursuant to section 105 in addressing concerns relating to privacy and civil liberties.

(2) BIENNIAL REPORT OF INSPECTORS GENERAL.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy shall, in consultation with the Council of Inspectors General on Financial Oversight, jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have been shared with Federal entities under this title.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A review of the types of cyber threat indicators shared with Federal entities.

(ii) A review of the actions taken by Federal entities as a result of the receipt of such cyber threat indicators.

(iii) A list of Federal entities receiving such cyber threat indicators.

(iv) A review of the sharing of such cyber threat indicators among Federal entities to identify inappropriate barriers to sharing information.

(3) RECOMMENDATIONS.—Each report submitted under this subsection may include such recommendations as the Privacy and Civil Liberties Oversight Board, with respect to a report submitted under paragraph (1), or the Inspectors General referred to in paragraph (2)(A), with respect to a report submitted under paragraph (2), may have for improvements or modifications to the authorities under this title.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 108. CONSTRUCTION AND PREEMPTION.

(a) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this title shall be construed—

(1) to limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity, by an entity to any other entity or the Federal Government under this title; or

(2) to limit or prohibit otherwise lawful use of such disclosures by any Federal entity, even when such otherwise lawful disclosures duplicate or replicate disclosures made under this title.

(b) WHISTLE BLOWER PROTECTIONS.—Nothing in this title shall be construed to prohibit or limit the disclosure of information protected under section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats), section 7211 of title 5, United States Code (governing disclosures to Congress), section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military), section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) (governing disclosure by employees of elements of the intelligence community), or any similar provision of Federal or State law.

(c) PROTECTION OF SOURCES AND METHODS.—Nothing in this title shall be construed—

(1) as creating any immunity against, or otherwise affecting, any action brought by the Federal Government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, or use of classified information;

(2) to affect the conduct of authorized law enforcement or intelligence activities; or

(3) to modify the authority of a department or agency of the Federal Government to protect classified information and sources and methods and the national security of the United States.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to affect any requirement under any other provision of law for an entity to provide information to the Federal Government.

(e) PROHIBITED CONDUCT.—Nothing in this title shall be construed to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or information regarding future competitive planning.

(f) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and another entity or a Federal entity; or

(4) to require the use of the capability and process within the Department of Homeland Security developed under section 105(c).

(g) PRESERVATION OF CONTRACTUAL OBLIGATIONS AND RIGHTS.—Nothing in this title shall be construed—

(1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any entities, or between any entity and a Federal entity; or

(2) to abrogate trade secret or intellectual property rights of any entity or Federal entity.

(h) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit a Federal entity—

(1) to require an entity to provide information to a Federal entity or another entity;

(2) to condition the sharing of cyber threat indicators with an entity on such entity's provision of cyber threat indicators to a Federal entity or another entity; or

(3) to condition the award of any Federal grant, contract, or purchase on the provision of a cyber threat indicator to a Federal entity or another entity.

(i) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized in this title.

(j) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal Government to retain or use any information shared under this title for any use other than permitted in this title.

(k) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This title supersedes any statute or other provision of law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this title.

(2) STATE LAW ENFORCEMENT.—Nothing in this title shall be construed to supersede any statute or other provision of law of a State or political subdivision of a State concerning the use of authorized law enforcement practices and procedures.

(l) REGULATORY AUTHORITY.—Nothing in this title shall be construed—

(1) to authorize the promulgation of any regulations not specifically authorized by this title;

(2) to establish or limit any regulatory authority not specifically established or limited under this title; or

(3) to authorize regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under another provision of Federal law.

(m) AUTHORITY OF SECRETARY OF DEFENSE TO RESPOND TO CYBER ATTACKS.—Nothing in this title shall be construed to limit the authority of the Secretary of Defense to develop, prepare, coordinate, or, when authorized by the President to do so, conduct a military cyber operation in response to a malicious cyber activity carried out against the United States or a United States person by a foreign government or an organization sponsored by a foreign government or a terrorist organization.

SEC. 109. REPORT ON CYBERSECURITY THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of other appropriate elements of the intelligence community, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on cybersecurity threats, including cyber attacks, theft, and data breaches.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the current intelligence sharing and cooperation relationships of the United States with other countries regarding cybersecurity threats, including cyber attacks, theft, and data breaches, directed against the United States and which threaten the United States national security interests and economy and intellectual property, specifically identifying the relative utility of such relationships, which elements of the intelligence community participate in such relationships, and whether and how such relationships could be improved.

(2) A list and an assessment of the countries and nonstate actors that are the primary threats of carrying out a cybersecurity threat, including a cyber attack, theft, or data breach, against the United States and which threaten the United States national security, economy, and intellectual property.

(3) A description of the extent to which the capabilities of the United States Government to respond to or prevent cybersecurity threats, including cyber attacks, theft, or data breaches, directed against the United States private sector are degraded by a delay in the prompt notification by private entities of such threats or cyber attacks, theft, and breaches.

(4) An assessment of additional technologies or capabilities that would enhance the ability of the United States to prevent and to respond to cybersecurity threats, including cyber attacks, theft, and data breaches.

(5) An assessment of any technologies or practices utilized by the private sector that could be rapidly fielded to assist the intelligence community in preventing and responding to cybersecurity threats.

(c) ADDITIONAL REPORT.—At the time the report required by subsection (a) is submitted, the Director of National Intelligence shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing the information required by subsection (b)(2).

(d) FORM OF REPORT.—The report required by subsection (a) shall be made available in classified and unclassified forms.

(e) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 110. CONFORMING AMENDMENT.

Section 941(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2224 note) is amended by inserting at the end the following: ''The Secretary may share such information with other Federal entities if such information consists of cyber threat indicators and defensive measures and such information is shared consistent with the policies and procedures promulgated by the Attorney General and the Secretary of Homeland Security under section 105 of the Cybersecurity Information Sharing Act of 2015.''.

TITLE II—FEDERAL CYBERSECURITY ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Cybersecurity Enhancement Act of 2015''.

SEC. 202. DEFINITIONS.

In this title—

(1) the term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code;

(2) the term ''agency information system'' has the meaning given the term in section 228 of the Homeland Security Act of 2002, as added by section 203(a);

(3) the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives;

(4) the terms ''cybersecurity risk'' and ''information system'' have the meanings given those terms in section 227 of the Homeland Security Act of 2002, as so redesignated by section 203(a);

(5) the term ''Director'' means the Director of the Office of Management and Budget;

(6) the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

(7) the term ''national security system'' has the meaning given the term in section 11103 of title 40, United States Code; and

(8) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 203. IMPROVED FEDERAL NETWORK SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended—

(1) by redesignating section 228 as section 229;

(2) by redesignating section 227 as subsection (c) of section 228, as added by paragraph (4), and adjusting the margins accordingly;

(3) by redesignating the second section designated as section 226 (relating to the national cybersecurity and communications integration center) as section 227;

(4) by inserting after section 227, as so redesignated, the following:

''SEC. 228. CYBERSECURITY PLANS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency;

''(2) the terms 'cybersecurity risk' and 'information system' have the meanings given those terms in section 227;

''(3) the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

''(4) the term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

''(b) INTRUSION ASSESSMENT PLAN.—

''(1) REQUIREMENT.—The Secretary, in coordination with the Director of the Office of Management and Budget, shall develop and implement an intrusion assessment plan to identify and remove intruders in agency information systems.

''(2) EXCEPTION.—The intrusion assessment plan required under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.'';

(5) in section 228(c), as so redesignated, by striking ''section 226'' and inserting ''section 227''; and

(6) by inserting after section 229, as so redesignated, the following:

''SEC. 230. FEDERAL INTRUSION DETECTION AND PREVENTION SYSTEM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' has the meaning given that term in section 3502 of title 44, United States Code;

''(2) the term 'agency information' means information collected or maintained by or on behalf of an agency;

''(3) the term 'agency information system' has the meaning given the term in section 228; and

''(4) the terms 'cybersecurity risk' and 'information system' have the meanings given those terms in section 227.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall deploy, operate, and maintain, to make available for use by any agency, with or without reimbursement—

''(A) a capability to detect cybersecurity risks in network traffic transiting or traveling to or from an agency information system; and

''(B) a capability to prevent network traffic associated with such cybersecurity risks from transiting or traveling to or from an agency information system or modify such network traffic to remove the cybersecurity risk.

''(2) REGULAR IMPROVEMENT.—The Secretary shall regularly deploy new technologies and modify existing technologies to the intrusion detection and prevention capabilities described in paragraph (1) as appropriate to improve the intrusion detection and prevention capabilities.

''(c) ACTIVITIES.—In carrying out subsection (b), the Secretary—

''(1) may access, and the head of an agency may disclose to the Secretary or a private entity providing assistance to the Secretary under paragraph (2), information transiting or traveling to or from an agency information system, regardless of the location from which the Secretary or a private entity providing assistance to the Secretary under paragraph (2) accesses such information, notwithstanding any other provision of law that would otherwise restrict or prevent the head of an agency from disclosing such information to the Secretary or a private entity providing assistance to the Secretary under paragraph (2);

''(2) may enter into contracts or other agreements with, or otherwise request and obtain the assistance of, private entities to deploy and operate technologies in accordance with subsection (b);

''(3) may retain, use, and disclose information obtained through the conduct of activities authorized under this section only to protect information and information systems from cybersecurity risks;

''(4) shall regularly assess through operational test and evaluation in real world or simulated environments available advanced protective technologies to improve detection and prevention capabilities, including commercial and non-commercial technologies and detection technologies beyond signature-based detection, and utilize such technologies when appropriate;

''(5) shall establish a pilot to acquire, test, and deploy, as rapidly as possible, technologies described in paragraph (4);

''(6) shall periodically update the privacy impact assessment required under section 208(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note); and

''(7) shall ensure that—

''(A) activities carried out under this section are reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

''(B) information accessed by the Secretary will be retained no longer than reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

''(C) notice has been provided to users of an agency information system concerning access to communications of users of the agency information system for the purpose of protecting agency information and the agency information system; and

''(D) the activities are implemented pursuant to policies and procedures governing the operation of the intrusion detection and prevention capabilities.

''(d) PRIVATE ENTITIES.—

''(1) CONDITIONS.—A private entity described in subsection (c)(2) may not—

''(A) disclose any network traffic transiting or traveling to or from an agency information system to any entity without the consent of the Department or the agency that disclosed the information under subsection (c)(1); or

''(B) use any network traffic transiting or traveling to or from an agency information system to which the private entity gains access in accordance with this section for any purpose other than to protect agency information and agency information systems against cybersecurity risks or to administer a contract or other agreement entered into pursuant to subsection (c)(2) or as part of another contract with the Secretary.

''(2) LIMITATION ON LIABILITY.—No cause of action shall lie in any court against a private entity for assistance provided to the Secretary in accordance with this section and any contract or agreement entered into pursuant to subsection (c)(2).

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to authorize an Internet service provider to break a user agreement with a customer without the consent of the customer.

''(e) ATTORNEY GENERAL REVIEW.—Not later than 1 year after the date of enactment of this section, the Attorney General shall review the policies and guidelines for the program carried out under this section to ensure that the policies and guidelines are consistent with applicable law governing the acquisition, interception, retention, use, and disclosure of communications.''.

(b) PRIORITIZING ADVANCED SECURITY TOOLS.—The Director and the Secretary, in consultation with appropriate agencies, shall—

(1) review and update governmentwide policies and programs to ensure appropriate prioritization and use of network security monitoring tools within agency networks; and

(2) brief appropriate congressional committees on such prioritization and use.

(c) AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2)—

(A) not later than 1 year after the date of enactment of this Act or 2 months after the date on which the Secretary makes available the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a), whichever is later, the head of each agency shall apply and continue to utilize the capabilities to all information traveling between an agency information system and any information system other than an agency information system; and

(B) not later than 6 months after the date on which the Secretary makes available improvements to the intrusion detection and prevention capabilities pursuant to section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a), the head of each agency shall apply and continue to utilize the improved intrusion detection and prevention capabilities.

(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

(3) DEFINITION.—In this subsection only, the term ''agency information system'' means an information system owned or operated by an agency.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit an agency from applying the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a), at the discretion of the head of the agency or as provided in relevant policies, directives, and guidelines.

(d) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to the first section designated as section 226, the second section designated as section 226 (relating to the national cybersecurity and communications integration center), section 227, and section 228 and inserting the following:

''Sec. 226. Cybersecurity recruitment and retention.

''Sec. 227. National cybersecurity and communications integration center.

SEC. 204. ADVANCED INTERNAL DEFENSES.

(a) ADVANCED NETWORK SECURITY TOOLS.—

(1) IN GENERAL.—The Secretary shall include in the Continuous Diagnostics and Mitigation Program advanced network security tools to improve visibility of network activity, including through the use of commercial and free or open source tools, to detect and mitigate intrusions and anomalous activity.

(2) DEVELOPMENT OF PLAN.—The Director shall develop and implement a plan to ensure that each agency utilizes advanced network security tools, including those described in paragraph (1), to detect and mitigate intrusions and anomalous activity.

(b) IMPROVED METRICS.—The Secretary, in collaboration with the Director, shall review and update the metrics used to measure security under section 3554 of title 44, United States Code, to include measures of intrusion and incident detection and response times.

(c) TRANSPARENCY AND ACCOUNTABILITY.—The Director, in consultation with the Secretary, shall increase transparency to the public on agency cybersecurity posture, including by increasing the number of metrics available on Federal Government performance websites and, to the greatest extent practicable, displaying metrics for department components, small agencies, and micro agencies.

(d) MAINTENANCE OF TECHNOLOGIES.—Section 3553(b)(6)(B) of title 44, United States Code, is amended by inserting '', operating, and maintaining'' after ''deploying''.

(e) EXCEPTION.—The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 205. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) IMPLEMENTATION OF FEDERAL CYBERSECURITY STANDARDS.—Consistent with section 3553 of title 44, United States Code, the Secretary, in consultation with the Director, shall exercise the authority to issue binding operational directives to assist the Director in ensuring timely agency adoption of and compliance with policies and standards promulgated under section 11331 of title 40, United States Code, for securing agency information systems.

(b) CYBERSECURITY REQUIREMENTS AT AGENCIES.—

(1) IN GENERAL.—Consistent with policies, standards, guidelines, and directives on information security under subchapter II of chapter 35 of title 44, United States Code, and the standards and guidelines promulgated under section 11331 of title 40, United States Code, and except as provided in paragraph (2), not later than 1 year after the date of the enactment of this Act, the head of each agency shall—

(A) identify sensitive and mission critical data stored by the agency consistent with the inventory required under the first subsection (c) (relating to the inventory of major information systems) and the second subsection (c) (relating to the inventory of information systems) of section 3505 of title 44, United States Code;

(B) assess access controls to the data described in subparagraph (A), the need for readily accessible storage of the data, and individuals' need to access the data;

(C) encrypt or otherwise render indecipherable to unauthorized users the data described in subparagraph (A) that is stored on or transiting agency information systems;

(D) implement a single sign-on trusted identity platform for individuals accessing each public website of the agency that requires user authentication, as developed by the Administrator of General Services in collaboration with the Secretary; and

(E) implement identity management consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274; 15 U.S.C. 7464), including multi-factor authentication, for—

(i) remote access to an agency information system; and

(ii) each user account with elevated privileges on an agency information system.

(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to an agency information system for which—

(A) the head of the agency has personally certified to the Director with particularity that—

(i) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the cybersecurity requirement;

(ii) the cybersecurity requirement is not necessary to secure the agency information system or agency information stored on or transiting it; and

(iii) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting it; and

(B) the head of the agency or the designee of the head of the agency has submitted the certification described in subparagraph (A) to the appropriate congressional committees and the agency's authorizing committees.

(3) CONSTRUCTION.—Nothing in this section shall be construed to alter the authority of the Secretary, the Director, or the Director of the National Institute of Standards and Technology in implementing subchapter II of chapter 35 of title 44, United States Code. Nothing in this section shall be construed to affect the National Institute of Standards and Technology standards process or the requirement under section 3553(a)(4) of such title or to discourage continued improvements and advancements in the technology, standards, policies, and guidelines used to promote Federal information security.

(c) EXCEPTION.—The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 206. ASSESSMENT; REPORTS.

(a) DEFINITIONS.—In this section—

(1) the term ''intrusion assessments'' means actions taken under the intrusion assessment plan to identify and remove intruders in agency information systems;

(2) the term ''intrusion assessment plan'' means the plan required under section 228(b)(1) of the Homeland Security Act of 2002, as added by section 203(a) of this Act; and

(3) the term ''intrusion detection and prevention capabilities'' means the capabilities required under section 230(b) of the Homeland Security Act of 2002, as added by section 203(a) of this Act.

(b) THIRD PARTY ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall conduct a study and publish a report on the effectiveness of the approach and strategy of the Federal Government to securing agency information systems, including the intrusion detection and prevention capabilities and the intrusion assessment plan.

(c) REPORTS TO CONGRESS.—

(1) INTRUSION DETECTION AND PREVENTION CAPABILITIES.—

(A) SECRETARY OF HOMELAND SECURITY REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of implementation of the intrusion detection and prevention capabilities, including—

(i) a description of privacy controls;

(ii) a description of the technologies and capabilities utilized to detect cybersecurity risks in network traffic, including the extent to which those technologies and capabilities include existing commercial and non-commercial technologies;

(iii) a description of the technologies and capabilities utilized to prevent network traffic associated with cybersecurity risks from transiting or traveling to or from agency information systems, including the extent to which those technologies and capabilities include existing commercial and non-commercial technologies;

(iv) a list of the types of indicators or other identifiers or techniques used to detect cybersecurity risks in network traffic transiting or traveling to or from agency information systems on each iteration of the intrusion detection and prevention capabilities and the number of each such type of indicator, identifier, and technique;

(v) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from agency information systems and the number of times the intrusion detection and prevention capabilities blocked network traffic associated with cybersecurity risk; and

(vi) a description of the pilot established under section 230(c)(5) of the Homeland Security Act of 2002, as added by section 203(a) of this Act, including the number of new technologies tested and the number of participating agencies.

(B) OMB REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code, an analysis of agency application of the intrusion detection and prevention capabilities, including—

(i) a list of each agency and the degree to which each agency has applied the intrusion detection and prevention capabilities to an agency information system; and

(ii) a list by agency of—

(I) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from an agency information system and the types of indicators, identifiers, and techniques used to detect such cybersecurity risks; and

(II) the number of instances in which the intrusion detection and prevention capabilities prevented network traffic associated with a cybersecurity risk from transiting or traveling to or from an agency information system and the types of indicators, identifiers, and techniques used to detect such agency information systems.

(2) OMB REPORT ON DEVELOPMENT AND IMPLEMENTATION OF INTRUSION ASSESSMENT PLAN, ADVANCED INTERNAL DEFENSES, AND FEDERAL CYBERSECURITY BEST PRACTICES.—The Director shall—

(A) not later than 6 months after the date of enactment of this Act, and 30 days after any update thereto, submit the intrusion assessment plan to the appropriate congressional committees;

(B) not later than 1 year after the date of enactment of this Act, and annually thereafter, submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code—

(i) a description of the implementation of the intrusion assessment plan;

(ii) the findings of the intrusion assessments conducted pursuant to the intrusion assessment plan;

(iii) advanced network security tools included in the Continuous Diagnostics and Mitigation Program pursuant to section 204(a)(1);

(iv) the results of the assessment of the Secretary of best practices for Federal cybersecurity pursuant to section 205(a); and

(v) a list by agency of compliance with the requirements of section 205(b); and

(C) not later than 1 year after the date of enactment of this Act, submit to the appropriate congressional committees—

(i) a copy of the plan developed pursuant to section 204(a)(2); and

(ii) the improved metrics developed pursuant to section 204(b).

SEC. 207. TERMINATION.

(a) IN GENERAL.—The authority provided under section 230 of the Homeland Security Act of 2002, as added by section 203(a) of this Act, and the reporting requirements under section 206(c) shall terminate on the date that is 7 years after the date of enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to affect the limitation of liability of a private entity for assistance provided to the Secretary under section 230(d)(2) of the Homeland Security Act of 2002, as added by section 203(a) of this Act, if such assistance was rendered before the termination date under subsection (a) or otherwise during a period in which the assistance was authorized.

SEC. 208. IDENTIFICATION OF INFORMATION SYSTEMS RELATING TO NATIONAL SECURITY.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 180 days after the date of enactment of this Act—

(1) the Director of National Intelligence and the Director of the Office of Management and Budget, in coordination with the heads of other agencies, shall—

(A) identify all unclassified information systems that provide access to information that may provide an adversary with the ability to derive information that would otherwise be considered classified;

(B) assess the risks that would result from the breach of each unclassified information system identified in subparagraph (A); and

(C) assess the cost and impact on the mission carried out by each agency that owns an unclassified information system identified in subparagraph (A) if the system were to be subsequently designated as a national security system; and

(2) the Director of National Intelligence and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report that includes the findings under paragraph (1).

(b) FORM.—The report submitted under subsection (a)(2) shall be in unclassified form, and shall include a classified annex.

(c) EXCEPTION.—The requirements under subsection (a)(1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to designate an information system as a national security system.

SEC. 209. DIRECTION TO AGENCIES.

(a) IN GENERAL.—Section 3553 of title 44, United States Code, is amended by adding at the end the following:

''(h) DIRECTION TO AGENCIES.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), in response to a known or reasonably suspected information security threat, vulnerability, or incident that represents a substantial threat to the information security of an agency, the Secretary may issue an emergency directive to the head of an agency to take any lawful action with respect to the operation of the information system, including such systems used or operated by another entity on behalf of an agency, that collects, processes, stores, transmits, disseminates, or otherwise maintains agency information, for the purpose of protecting the information system from, or mitigating, an information security threat.

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to a system described subsection (d) or to a system described in paragraph (2) or (3) of subsection (e).

''(2) PROCEDURES FOR USE OF AUTHORITY.—The Secretary shall—

''(A) in coordination with the Director, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

''(i) thresholds and other criteria;

''(ii) privacy and civil liberties protections; and

''(iii) providing notice to potentially affected third parties;

''(B) specify the reasons for the required action and the duration of the directive;

''(C) minimize the impact of a directive under this subsection by—

''(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

''(ii) limiting directives to the shortest period practicable;

''(D) notify the Director and the head of any affected agency immediately upon the issuance of a directive under this subsection;

''(E) consult with the Director of the National Institute of Standards and Technology regarding any directive under this subsection that implements standards and guidelines developed by the National Institute of Standards and Technology;

''(F) ensure that directives issued under this subsection do not conflict with the standards and guidelines issued under section 11331 of title 40;

''(G) consider any applicable standards or guidelines developed by the National Institute of Standards and issued by the Secretary of Commerce under section 11331 of title 40; and

''(H) not later than February 1 of each year, submit to the appropriate congressional committees a report regarding the specific actions the Secretary has taken pursuant to paragraph (1)(A).

''(3) IMMINENT THREATS.—

''(A) IN GENERAL.—Notwithstanding section 3554, the Secretary may authorize the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002 for the purpose of ensuring the security of agency information systems, if—

''(i) the Secretary determines there is an imminent threat to agency information systems;

''(ii) the Secretary determines a directive under subsection (b)(2)(C) or paragraph (1)(A) is not reasonably likely to result in a timely response to the threat;

''(iii) the Secretary determines the risk posed by the imminent threat outweighs any adverse consequences reasonably expected to result from the use of protective capabilities under the control of the Secretary;

''(iv) the Secretary provides prior notice to the Director, and the head and chief information officer (or equivalent official) of each agency to which specific actions will be taken pursuant to subparagraph (A), and notifies the appropriate congressional committees and authorizing committees of each such agencies within seven days of taking an action under this subsection of—

''(I) any action taken under this subsection; and

''(II) the reasons for and duration and nature of the action;

''(v) the action of the Secretary is consistent with applicable law; and

''(vi) the Secretary authorizes the use of protective capabilities in accordance with the advance procedures established under subparagraph (C).

''(B) LIMITATION ON DELEGATION.—The authority under this subsection may not be delegated by the Secretary.

''(C) ADVANCE PROCEDURES.—The Secretary shall, in coordination with the Director, and in consultation with the heads of Federal agencies, establish procedures governing the circumstances under which the Secretary may authorize the use of protective capabilities subparagraph (A). The Secretary shall submit the procedures to Congress.

''(4) LIMITATION.—The Secretary may direct or authorize lawful action or protective capability under this subsection only to—

''(A) protect agency information from unauthorized access, use, disclosure, disruption, modification, or destruction; or

''(B) require the remediation of or protect against identified information security risks with respect to—

''(i) information collected or maintained by or on behalf of an agency; or

''(ii) that portion of an information system used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

''(i) ANNUAL REPORT TO CONGRESS.—Not later than February 1 of each year, the Director shall submit to the appropriate congressional committees a report regarding the specific actions the Director has taken pursuant to subsection (a)(5), including any actions taken pursuant to section 11303(b)(5) of title 40.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Committee on Science, Space, and Technology of the House of Representatives.''.

(b) CONFORMING AMENDMENT.—Section 3554(a)(1)(B) of title 44, United States Code, is amended—

(1) in clause (iii), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(v) emergency directives issued by the Secretary under section 3553(h); and''.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Cybersecurity Workforce Assessment Act of 2015''.

SEC. 302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Commerce, Science, and Transportation of the Senate;

(E) the Committee on Armed Services in the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Oversight and Government Reform of the House of Representatives; and

(H) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(3) ROLES.—The term ''roles'' has the meaning given the term in the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework.

SEC. 303. NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.

(a) IN GENERAL.—The head of each Federal agency shall—

(1) identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions; and

(2) assign the corresponding employment code, which shall be added to the National Initiative for Cybersecurity Education's National Cybersecurity Workforce Framework, in accordance with subsection (b).

(b) EMPLOYMENT CODES.—

(1) PROCEDURES.—

(A) CODING STRUCTURE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Institute of Standards and Technology, shall update the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework to include a corresponding coding structure.

(B) IDENTIFICATION OF CIVILIAN CYBER PERSONNEL.—Not later than 9 months after the date of enactment of this Act, the Director, in coordination with the Director of the National Institute of Standards and Technology and the Director of National Intelligence, shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal civilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(C) IDENTIFICATION OF NONCIVILIAN CYBER PERSONNEL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Defense shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal noncivilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(D) BASELINE ASSESSMENT OF EXISTING CYBERSECURITY WORKFORCE.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall submit to the appropriate congressional committees of jurisdiction a report that identifies—

(i) the percentage of personnel with information technology, cybersecurity, or other cyber-related job functions who currently hold the appropriate industry-recognized certifications as identified in the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework;

(ii) the level of preparedness of other civilian and noncivilian cyber personnel without existing credentials to take certification exams; and

(iii) a strategy for mitigating any gaps identified in clause (i) or (ii) with the appropriate training and certification for existing personnel.

(E) PROCEDURES FOR ASSIGNING CODES.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall establish procedures—

(i) to identify all encumbered and vacant positions with information technology, cybersecurity, or other cyber-related functions (as defined in the National Initiative for Cybersecurity Education's coding structure); and

(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

(2) CODE ASSIGNMENTS.—Not later than 1 year after the date after the procedures are established under paragraph (1)(E), the head of each Federal agency shall complete assignment of the appropriate employment code to each position within the agency with information technology, cybersecurity, or other cyber-related functions.

(c) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 304. IDENTIFICATION OF CYBER-RELATED ROLES OF CRITICAL NEED.

(a) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to section 203(b)(2), and annually through 2022, the head of each Federal agency, in consultation with the Director, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall—

(1) identify information technology, cybersecurity, or other cyber-related roles of critical need in the agency's workforce; and

(2) submit a report to the Director that—

(A) describes the information technology, cybersecurity, or other cyber-related roles identified under paragraph (1); and

(B) substantiates the critical need designations.

(b) GUIDANCE.—The Director shall provide Federal agencies with timely guidance for identifying information technology, cybersecurity, or other cyber-related roles of critical need, including—

(1) current information technology, cybersecurity, and other cyber-related roles with acute skill shortages; and

(2) information technology, cybersecurity, or other cyber-related roles with emerging skill shortages.

(c) CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director, in consultation with the Secretary of Homeland Security, shall—

(1) identify critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies; and

(2) submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.

The Comptroller General of the United States shall—

(1) analyze and monitor the implementation of sections 303 and 304; and

(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.

TITLE IV—OTHER CYBER MATTERS

SEC. 401. STUDY ON MOBILE DEVICE SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Director of the National Institute of Standards and Technology, shall—

(1) complete a study on threats relating to the security of the mobile devices of the Federal Government; and

(2) submit an unclassified report to Congress, with a classified annex if necessary, that contains the findings of such study, the recommendations developed under paragraph (3) of subsection (b), the deficiencies, if any, identified under (4) of such subsection, and the plan developed under paragraph (5) of such subsection.

(b) MATTERS STUDIED.—In carrying out the study under subsection (a)(1), the Secretary, in consultation with the Director of the National Institute of Standards and Technology, shall—

(1) assess the evolution of mobile security techniques from a desktop-centric approach, and whether such techniques are adequate to meet current mobile security challenges;

(2) assess the effect such threats may have on the cybersecurity of the information systems and networks of the Federal Government (except for national security systems or the information systems and networks of the Department of Defense and the intelligence community);

(3) develop recommendations for addressing such threats based on industry standards and best practices;

(4) identify any deficiencies in the current authorities of the Secretary that may inhibit the ability of the Secretary to address mobile device security throughout the Federal Government (except for national security systems and the information systems and networks of the Department of Defense and intelligence community); and

(5) develop a plan for accelerated adoption of secure mobile device technology by the Department of Homeland Security.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 402. DEPARTMENT OF STATE INTERNATIONAL CYBERSPACE POLICY STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall produce a comprehensive strategy relating to United States international policy with regard to cyberspace.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A review of actions and activities undertaken by the Secretary of State to date to support the goal of the President's International Strategy for Cyberspace, released in May 2011, to ''work internationally to promote an open, interoperable, secure, and reliable information and communications infrastructure that supports international trade and commerce, strengthens international security, and fosters free expression and innovation.''.

(2) A plan of action to guide the diplomacy of the Secretary of State, with regard to foreign countries, including conducting bilateral and multilateral activities to develop the norms of responsible international behavior in cyberspace, and status review of existing discussions in multilateral fora to obtain agreements on international norms in cyberspace.

(3) A review of the alternative concepts with regard to international norms in cyberspace offered by foreign countries that are prominent actors, including China, Russia, Brazil, and India.

(4) A detailed description of threats to United States national security in cyberspace from foreign countries, state-sponsored actors, and private actors to Federal and private sector infrastructure of the United States, intellectual property in the United States, and the privacy of citizens of the United States.

(5) A review of policy tools available to the President to deter foreign countries, state-sponsored actors, and private actors, including those outlined in Executive Order 13694, released on April 1, 2015.

(6) A review of resources required by the Secretary, including the Office of the Coordinator for Cyber Issues, to conduct activities to build responsible norms of international cyber behavior.

(c) CONSULTATION.—In preparing the strategy required by subsection (a), the Secretary of State shall consult, as appropriate, with other agencies and departments of the United States and the private sector and nongovernmental organizations in the United States with recognized credentials and expertise in foreign policy, national security, and cybersecurity.

(d) FORM OF STRATEGY.—The strategy required by subsection (a) shall be in unclassified form, but may include a classified annex.

(e) AVAILABILITY OF INFORMATION.—The Secretary of State shall—

(1) make the strategy required in subsection (a) available the public; and

(2) brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy, including any material contained in a classified annex.

SEC. 403. APPREHENSION AND PROSECUTION OF INTERNATIONAL CYBER CRIMINALS.

(a) INTERNATIONAL CYBER CRIMINAL DEFINED.—In this section, the term ''international cyber criminal'' means an individual—

(1) who is believed to have committed a cybercrime or intellectual property crime against the interests of the United States or the citizens of the United States; and

(2) for whom—

(A) an arrest warrant has been issued by a judge in the United States; or

(B) an international wanted notice (commonly referred to as a ''Red Notice'') has been circulated by Interpol.

(b) CONSULTATIONS FOR NONCOOPERATION.—The Secretary of State, or designee, shall consult with the appropriate government official of each country from which extradition is not likely due to the lack of an extradition treaty with the United States or other reasons, in which one or more international cyber criminals are physically present, to determine what actions the government of such country has taken—

(1) to apprehend and prosecute such criminals; and

(2) to prevent such criminals from carrying out cybercrimes or intellectual property crimes against the interests of the United States or its citizens.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report that includes—

(A) the number of international cyber criminals located in other countries, disaggregated by country, and indicating from which countries extradition is not likely due to the lack of an extradition treaty with the United States or other reasons;

(B) the nature and number of significant discussions by an official of the Department of State on ways to thwart or prosecute international cyber criminals with an official of another country, including the name of each such country; and

(C) for each international cyber criminal who was extradited to the United States during the most recently completed calendar year—

(i) his or her name;

(ii) the crimes for which he or she was charged;

(iii) his or her previous country of residence; and

(iv) the country from which he or she was extradited into the United States.

(2) FORM.—The report required by this subsection shall be in unclassified form to the maximum extent possible, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives.

SEC. 404. ENHANCEMENT OF EMERGENCY SERVICES.

(a) COLLECTION OF DATA.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the National Cybersecurity and Communications Integration Center, in coordination with appropriate Federal entities and the Director for Emergency Communications, shall establish a process by which a Statewide Interoperability Coordinator may report data on any cybersecurity risk or incident involving any information system or network used by emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) within the State.

(b) ANALYSIS OF DATA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the National Cybersecurity and Communications Integration Center, in coordination with appropriate entities and the Director for Emergency Communications, and in consultation with the Director of the National Institute of Standards and Technology, shall conduct integration and analysis of the data reported under subsection (a) to develop information and recommendations on security and resilience measures for any information system or network used by State emergency response providers.

(c) BEST PRACTICES.—

(1) IN GENERAL.—Using the results of the integration and analysis conducted under subsection (b), and any other relevant information, the Director of the National Institute of Standards and Technology shall, on an ongoing basis, facilitate and support the development of methods for reducing cybersecurity risks to emergency response providers using the process described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)).

(2) REPORT.—The Director of the National Institute of Standards and Technology shall submit a report to Congress on the methods developed under paragraph (1) and shall make such report publically available on the website of the National Institute of Standards and Technology.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require a State to report data under subsection (a); or

(2) require an entity to—

(A) adopt a recommended measure developed under subsection (b); or

(B) follow the best practices developed under subsection (c).

SEC. 405. IMPROVING CYBERSECURITY IN THE HEALTH CARE INDUSTRY.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(2) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) HEALTH CARE CLEARINGHOUSE; HEALTH CARE PROVIDER; HEALTH PLAN.—The terms ''health care clearinghouse'', ''health care provider'', and ''health plan'' have the meanings given the terms in section 160.103 of title 45, Code of Federal Regulations.

(4) HEALTH CARE INDUSTRY STAKEHOLDER.—The term ''health care industry stakeholder'' means any—

(A) health plan, health care clearinghouse, or health care provider;

(B) patient advocate;

(C) pharmacist;

(D) developer of health information technology;

(E) laboratory;

(F) pharmaceutical or medical device manufacturer; or

(G) additional stakeholder the Secretary determines necessary for purposes of subsection (d)(1), (d)(3), or (e).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the preparedness of the health care industry in responding to cybersecurity threats.

(c) CONTENTS OF REPORT.—With respect to the internal response of the Department of Health and Human Services to emerging cybersecurity threats, the report shall include—

(1) a clear statement of the official within the Department of Health and Human Services to be responsible for leading and coordinating efforts of the Department regarding cybersecurity threats in the health care industry; and

(2) a plan from each relevant operating division and subdivision of the Department of Health and Human Services on how such division or subdivision will address cybersecurity threats in the health care industry, including a clear delineation of how each such division or subdivision will divide responsibility among the personnel of such division or subdivision and communicate with other such divisions and subdivisions regarding efforts to address such threats.

(d) HEALTH CARE INDUSTRY CYBERSECURITY TASK FORCE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Secretary of Homeland Security, shall convene health care industry stakeholders, cybersecurity experts, and any Federal agencies or entities the Secretary determines appropriate to establish a task force to—

(A) analyze how industries, other than the health care industry, have implemented strategies and safeguards for addressing cybersecurity threats within their respective industries;

(B) analyze challenges and barriers private entities (notwithstanding section 102(15)(B), excluding any State, tribal, or local government) in the health care industry face securing themselves against cyber attacks;

(C) review challenges that covered entities and business associates face in securing networked medical devices and other software or systems that connect to an electronic health record;

(D) provide the Secretary with information to disseminate to health care industry stakeholders for purposes of improving their preparedness for, and response to, cybersecurity threats affecting the health care industry;

(E) establish a plan for creating a single system for the Federal Government to share information on actionable intelligence regarding cybersecurity threats to the health care industry in near real time, requiring no fee to the recipients of such information, including which Federal agency or other entity may be best suited to be the central conduit to facilitate the sharing of such information; and

(F) report to Congress on the findings and recommendations of the task force regarding carrying out subparagraphs (A) through (E).

(2) TERMINATION.—The task force established under this subsection shall terminate on the date that is 1 year after the date of enactment of this Act.

(3) DISSEMINATION.—Not later than 60 days after the termination of the task force established under this subsection, the Secretary shall disseminate the information described in paragraph (1)(D) to health care industry stakeholders in accordance with such paragraph.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the antitrust exemption under section 104(e) or the protection from liability under section 106.

(e) CYBERSECURITY FRAMEWORK.—

(1) IN GENERAL.—The Secretary shall establish, through a collaborative process with the Secretary of Homeland Security, health care industry stakeholders, the National Institute of Standards and Technology, and any Federal agency or entity the Secretary determines appropriate, a single, voluntary, national health-specific cybersecurity framework that—

(A) establishes a common set of voluntary, consensus-based, and industry-led standards, security practices, guidelines, methodologies, procedures, and processes that serve as a resource for cost-effectively reducing cybersecurity risks for a range of health care organizations;

(B) supports voluntary adoption and implementation efforts to improve safeguards to address cybersecurity threats;

(C) is consistent with the security and privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and with the Health Information Technology for Economic and Clinical Health Act (title XIII of division A, and title IV of division B, of Public Law 111–5), and the amendments made by such Act; and

(D) is updated on a regular basis and applicable to the range of health care organizations described in subparagraph (A).

(2) LIMITATION.—Nothing in this subsection shall be interpreted as granting the Secretary authority to—

(A) provide for audits to ensure that health care organizations are in compliance with the voluntary framework under this subsection; or

(B) mandate, direct, or condition the award of any Federal grant, contract, or purchase on compliance with such voluntary framework.

(3) NO LIABILITY FOR NONPARTICIPATION.—Nothing in this title shall be construed to subject a health care organization to liability for choosing not to engage in the voluntary activities authorized under this subsection.

SEC. 406. FEDERAL COMPUTER SECURITY.

(a) DEFINITIONS.—In this section:

(1) COVERED SYSTEM.—The term ''covered system'' shall mean a national security system as defined in section 11103 of title 40, United States Code, or a Federal computer system that provides access to personally identifiable information.

(2) COVERED AGENCY.—The term ''covered agency'' means an agency that operates a covered system.

(3) LOGICAL ACCESS CONTROL.—The term ''logical access control'' means a process of granting or denying specific requests to obtain and use information and related information processing services.

(4) MULTI-FACTOR LOGICAL ACCESS CONTROLS.—The term ''multi-factor logical access controls'' means a set of not less than 2 of the following logical access controls:

(A) Information that is known to the user, such as a password or personal identification number.

(B) An access device that is provided to the user, such as a cryptographic identification device or token.

(C) A unique biometric characteristic of the user.

(5) PRIVILEGED USER.—The term ''privileged user'' means a user who, by virtue of function or seniority, has been allocated powers within a covered system, which are significantly greater than those available to the majority of users.

(b) INSPECTOR GENERAL REPORTS ON COVERED SYSTEMS.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Inspector General of each covered agency shall submit to the appropriate committees of jurisdiction in the Senate and the House of Representatives a report, which shall include information collected from the covered agency for the contents described in paragraph (2) regarding the Federal computer systems of the covered agency.

(2) CONTENTS.—The report submitted by each Inspector General of a covered agency under paragraph (1) shall include, with respect to the covered agency, the following:

(A) A description of the logical access standards used by the covered agency to access a covered system, including—

(i) in aggregate, a list and description of logical access controls used to access such a covered system; and

(ii) whether the covered agency is using multi-factor logical access controls to access such a covered system.

(B) A description of the logical access controls used by the covered agency to govern access to covered systems by privileged users.

(C) If the covered agency does not use logical access controls or multi-factor logical access controls to access a covered system, a description of the reasons for not using such logical access controls or multi-factor logical access controls.

(D) A description of the following data security management practices used by the covered agency:

(i) The policies and procedures followed to conduct inventories of the software present on the covered systems of the covered agency and the licenses associated with such software.

(ii) What capabilities the covered agency utilizes to monitor and detect exfiltration and other threats, including—

(I) data loss prevention capabilities; or

(II) digital rights management capabilities.

(iii) A description of how the covered agency is using the capabilities described in clause (ii).

(iv) If the covered agency is not utilizing capabilities described in clause (ii), a description of the reasons for not utilizing such capabilities.

(E) A description of the policies and procedures of the covered agency with respect to ensuring that entities, including contractors, that provide services to the covered agency are implementing the data security management practices described in subparagraph (D).

(3) EXISTING REVIEW.—The reports required under this subsection may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the covered agency, and may be submitted as part of another report, including the report required under section 3555 of title 44, United States Code.

(4) CLASSIFIED INFORMATION.—Reports submitted under this subsection shall be in unclassified form, but may include a classified annex.

SEC. 407. STRATEGY TO PROTECT CRITICAL INFRASTRUCTURE AT GREATEST RISK.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE AGENCY.—The term ''appropriate agency'' means, with respect to a covered entity—

(A) except as provided in subparagraph (B), the applicable sector-specific agency; or

(B) in the case of a covered entity that is regulated by a Federal entity, such Federal entity.

(2) APPROPRIATE AGENCY HEAD.—The term ''appropriate agency head'' means, with respect to a covered entity, the head of the appropriate agency.

(3) COVERED ENTITY.—The term ''covered entity'' means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Energy and Natural Resources of the Senate;

(F) the Committee on Energy and Commerce of the House of Representatives; and

(G) the Committee on Commerce, Science, and Transportation of the Senate.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(b) STATUS OF EXISTING CYBER INCIDENT REPORTING.—

(1) IN GENERAL.—No later than 120 days after the date of the enactment of this Act, the Secretary, in conjunction with the appropriate agency head (as the case may be), shall submit to the appropriate congressional committees describing the extent to which each covered entity reports significant intrusions of information systems essential to the operation of critical infrastructure to the Department of Homeland Security or the appropriate agency head in a timely manner.

(2) FORM.—The report submitted under paragraph (1) may include a classified annex.

(c) MITIGATION STRATEGY REQUIRED FOR CRITICAL INFRASTRUCTURE AT GREATEST RISK.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with the appropriate agency head (as the case may be), shall conduct an assessment and develop a strategy that addresses each of the covered entities, to ensure that, to the greatest extent feasible, a cyber security incident affecting such entity would no longer reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(2) ELEMENTS.—The strategy submitted by the Secretary with respect to a covered entity shall include the following:

(A) An assessment of whether each entity should be required to report cyber security incidents.

(B) A description of any identified security gaps that must be addressed.

(C) Additional statutory authority necessary to reduce the likelihood that a cyber incident could cause catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) SUBMITTAL.—The Secretary shall submit to the appropriate congressional committees the assessment and strategy required by paragraph (1).

(4) FORM.—The assessment and strategy submitted under paragraph (3) may each include a classified annex.

SEC. 408. STOPPING THE FRAUDULENT SALE OF FINANCIAL INFORMATION OF PEOPLE OF THE UNITED STATES.

Section 1029(h) of title 18, United States Code, is amended by striking ''title if—'' and all that follows through ''therefrom.'' and inserting ''title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.''.

SEC. 409. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be in effect during the 10-year period beginning on the date of the enactment of this Act.

(b) EXCEPTION.—With respect to any action authorized by this Act or information obtained pursuant to an action authorized by this Act, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this Act shall continue in effect.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. GRASSLEY. Madam President, I think we have clearance on a noncontroversial resolution that is going to pass yet this evening, and I rise for about 5 minutes to speak on this issue.

Last week I submitted a resolution to commemorate the goals and ideals of National Domestic Violence Awareness Month, which takes place each October. I thank Senators LEAHY, AYOTTE, and KLOBUCHAR for joining me as original cosponsors of this measure.

I have met with many domestic violence victims over the years. We have come a long way since the enactment in 1984, with my support, of the landmark Family Violence Prevention and Services Act.

In the decades since then, Congress has committed billions of dollars to implement that statute, as well as the Violence Against Women Act, and we have seen a decline in the rate of serious partner violence over the last two decades, according to the Congressional Research Service.

But researchers and advocates who work with domestic violence survivors remind us that there is still much work to be done to stop this terrible crime and support survivors in their efforts to heal. It is estimated that as many as 9 million Americans are physically abused by a partner every year.

According to a 2011 survey by the Centers for Disease Control and Prevention, about 22 percent of women and about 14 percent of men have experienced severe physical abuse by a partner in their lifetime.

Experts tell us that domestic violence affects women, men, and children of every age and socioeconomic class, but we also know that women still experience more domestic violence than do men, and women are significantly more likely to be injured in an assault by a partner or a spouse.

According to the Justice Department's Bureau of Justice Statistics, women between the ages of 18 and 31 experience the highest rates of domestic violence. Most have been victimized by the same offender on at least one prior occasion. And, of course, it is heartbreaking to realize that millions of American children have been exposed to domestic violence, either by experiencing some form of abuse or witnessing a family member's abuse.

The good news is that each and every day, in communities across the Nation, there are victim advocates, service providers, crisis hotline staff and volunteers, as well as first responders who are working tirelessly to extend compassionate service to the survivors of domestic violence. I wish to take this opportunity to single out some of these folks and extend a special thank-you on behalf of the Senate.

First, I highlight the hard work of trained volunteers and staff who operate crisis hotlines across the country. They are a varied and talented group of individuals who, often at low or no pay, make confidential support, information, and referrals available to victims, as well as their friends and families, each and every day. We appreciate their efforts to help countless men, women, and children escape abusive situations.

Next, I recognize the contributions of the talented staff at the 56 State and territorial domestic violence coalitions around the country and the globe. These individuals also help respond to the needs of battered men, women, and children, typically by offering their expertise and technical support to local domestic violence programs in each and every State and territory. In my home State, for example, the Iowa State Coalition Against Domestic Violence has, since way back in 1985, connected local service providers to vitally important training and other resources that exist to support Iowa survivors.

We cannot commemorate Domestic Violence Awareness Month without also mentioning the police officers who are on the front lines in the effort to protect crime victims and to prevent abuse in the first place. Domestic violence calls can present lethal risks for officers, and we mourn those who have lost their lives while responding to such domestic violence incidents. We know, too, that in recent decades the law enforcement approach to these instances has changed to reflect the latest research, and we applaud those police agencies that continue to update and improve their domestic violence policies.

I also recognize those who operate the Nation's domestic violence shelters that meet the emergency housing needs of thousands of adults and children each day or millions of Americans each year. Last but not least, I want to highlight the hard work of the staff at charities and agencies across the Nation that are devoted to helping domestic violence survivors achieve financial independence, obtain legal assistance, and most importantly overcome the detrimental emotional and physical effects of abuse.

As I close, I urge my colleagues to support the adoption of this important resolution. With its adoption, we demonstrate the Senate supports the goals and ideals of National Domestic Violence Awareness Month.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, there has been some activity on the Senate floor today regarding the President's Clean Power Plan, with fossil fuel State representatives coming to decry that plan. I would simply note that on October 22, in the Wall Street Journal, many of the leaders of America's national security took out an advertisement to say: ''Republicans & Democrats Agree: U.S. Security Demands Global Climate Action.''

We have had generals and admirals, former National Security Advisers and Directors of National Intelligence, Secretaries of the Treasury, Secretaries of Defense, Directors of the Central Intelligence Agency, Chairman of the National Intelligence Council, Governors, Senators, Under Secretaries of State, many Republicans all saying this is important; that it is time for America to lead. And what do we get? We get complaints about America leading.

If my friends have a better idea than the Clean Power Plan, I would be glad to listen. I am sure we would all be glad to listen. What is it? What is the other plan? Because if you have nothing, then you really don't have a seat at the table and you certainly don't have occasion to criticize what the President is trying to do. Show us something—anything. What have you got? Where is the Republican bill that even talks about climate change—let alone does anything serious about it.

It is truly time for this body to wake up and not just wake up to climate change but also to the decades-long purposeful corporate smokescreens of misleading statements from the fossil fuel industry and its allies on the dangers of carbon pollution. So I am here for the 116th time seeking an open, honest, and factual debate in Congress about global climate change.

The energy industry's top dog, ExxonMobil—No. 2 for both revenue and profits among the Fortune 500 of companies—has been getting some bad press lately. Two independent investigative reports from InsideClimate News and the Los Angeles Times revealed that Exxon's own scientists understood as far back as the late 1970s the effects of carbon pollution on the climate and warned company executives of the potential outcomes for the planet and humankind, but Exxon's own internal report also recognized heading off global warming ''would require major reductions in fossil fuel combustion.''

So what did this fossil fuel company do? Rather than behave responsibly, rather than face up to that truth, rather than lead an effort to stave off catastrophic emerging changes to the climate and the oceans, what Exxon chose to do was to fund and participate in a massive misinformation campaign to protect their business model and their bottom line.

This started right at the top. Exxon's former chairman and CEO Lee Raymond repeatedly and publicly questioned the science behind climate change, notwithstanding what his own scientists had said. ''Currently,'' Raymond claimed in a 1996 speech before the Economic Club of Detroit—20 years after this work by his own scientists—''the scientific evidence is inclusive as to whether human activities are having a significant effect on the global climate.''

There was already an emerging international consensus that unchecked carbon emissions were warming the planet. There was already Exxon's own internal research that showed carbon emissions were warming the planet, and it has gone forward to now with the latest report from the Intergovernmental Panel on Climate Change stating that ''warming of the climate system is unequivocal.'' Unequivocal.

The current ExxonMobil CEO, Rex Tillerson, still emphasizes uncertainty and goes out of his way to overestimate the costs of taking action. In 2013, he asked: ''What good is it to save the planet if humanity suffers?'' All right, someone needs to explain to me how if we fail to save the planet, humanity does not suffer. I guess it is Exxon's position that we only suffer if we try to save the planet.

At this year's annual shareholders meeting, Mr. Tillerson argued that the world needs to wait—that is always their argument, the world needs to wait—for the science to improve—unequivocal is evidently not enough—and to look for solutions to the effects of climate change as they become more clear—more clear.

Our oceans are clearly warming and acidifying, and this has been clearly measured. Atmospheric carbon is clearly higher than ever in our species' history on this planet, and this has been clearly measured. In Rhode Island, we have measured nearly 10 inches of sea level rise since the 1930s, right on our shores. What is not clear?

While Exxon was peddling climate denial here in Washington, the L.A. Times reports, they were using climate models to plan operations in the warming Arctic. Between 1986 and 1992, Exxon's senior ice researcher, Ken Croasdale, and others studied the effects global warming would have on Arctic oil operations and reported back to Exxon brass. They knew melting ice would lower exploration and development costs. They also knew higher seas and thawing permafrost would threaten the company's ships, drilling platforms, processing plants, and pipelines.

So Exxon was challenging the climate models publicly while it was using them privately to guide its own investment decisions. Exxon understood the dangers, but instead of sounding the alarm or trying to help, they chose to sow doubt.

Then there are the Exxon front groups. A study out just last month in the peer-reviewed journal Climatic Change says that ExxonMobil paid over $16 million between 1988 and 2005 to a network of phony-baloney think tanks and psuedoscience groups that spread misleading claims about climate science. The company's network includes organizations that name themselves after John Locke, James Madison, Benjamin Franklin, and even George C. Marshall. It also includes the American Legislative Exchange Council, or ALEC, which pedals anti-climate legislation in State legislatures. ALEC denies the human contribution to climate change by calling it a ''historical phenomenon,'' asserting ''the debate will continue on the significance of natural and anthropogenic contributions.'' The climate denial coming out of ALEC is so egregious even Shell Oil left the group this summer.

Don't forget the paid-for scientists. The Exxon network includes Willie Soon, whose work consistently downplayed the role of carbon pollution in climate change. Well, investigative reporting revealed Dr. Soon received more than $1.2 million from oil and coal interests, including ExxonMobil, over the last decade.

So the cat is out of the bag now, and all the bad press has got Exxon a little jumpy. Exxon's VP of Public Affairs, Ken Cohen, took to Exxon's blog to proclaim that his company has a legitimate history when it comes to climate. ''Our scientists have been involved in climate research and related policy analysis for more than 30 years, yielding more than 50 papers in peer-reviewed publications,'' he said. He goes on to say that Exxon has been involved with the U.N. IPCC, the National Academy of Science's National Climate Assessment, and that Exxon funds legitimate scientists at major universities as they research energy and climate.

Right. The problem is that is only half the story. That is the half of the story that shows Exxon knew better. What is the rest of the story? Decades of funding to a network of front groups that led a PR campaign designed to undercut climate science and prevent legitimate action on climate change. For decades, Exxon invested in legitimate climate research, you say? That is the proof of actual knowledge. That makes the route they chose of denial and delay all the more culpable, and that denial and delay, as Paul Harvey would say, is the rest of the story.

What are Tillerson and ExxonMobil waiting for? Why this campaign of deceit, denial, and delay? Sadly, it is our American system of big business and paid-for politics—just follow the money.

Exxon foists the costs of its carbon pollution on the rest of us—on our children, on our grandchildren—and all the while they make staggering amounts of money. And Congress, funded by their lobbyists, sleeps placidly at the switch.

Exxon even fights to protect their status quo with their own shareholders. The Institute for Policy Studies reports that shareholders of ExxonMobil have introduced 62 climate-related resolutions over the past 25 years, and all of them have been opposed by management. Rex Tillerson, who made $21.4 million in stock-based pay in 2014, has openly mocked a shareholder who asked about investing in renewables. This is rich. Tillerson responded that renewable energy ''only survives on the backs of enormous government mandates that are not sustainable. We on purpose choose not to lose money.''

Well, ExxonMobil spends huge amounts of money on the complex PR machine to churn out doubt about the real science in order to protect the

market subsidy that ignores the costs of Exxon's carbon pollution and makes clean energy face an uphill battle. So it is really kind of nervy to say that clean energy survives on the backs of enormous government subsidies when oil gets the biggest subsidies ever.

Things could have been different. Exxon could have heeded the warnings of its own scientists and helped us make a transition to clean energy. It is happening now without them. The International Energy Agency found that the cost of generating electricity from renewable sources dropped from $500 a megawatt hour in 2010 to $200 in 2015. Imagine if we had rolled up our sleeves and gotten to work way back when Exxon first learned of the dangers of carbon pollution. Imagine the leadership that company could have shown. Imagine how much of the coming climate and ocean changes we could have avoided. But they didn't, and the time of reckoning may now be upon the likes of Exxon and others in the fossil fuel industry. That PR machine may end up costing the company a lot. Look at what happened to big tobacco.

Two weeks ago, Congressmen TED LIEU and MARK DESAULNIER sent a letter to Attorney General Loretta Lynch regarding these newly reported allegations that ExxonMobil intentionally hid the truth about the role of fossil fuels in influencing climate change. ''The apparent tactics employed by Exxon are reminiscent of the actions employed by big tobacco companies to deceive the American people about the known risks of tobacco.''

Last week, my friend, the junior Senator from Vermont, joined in the call for the Attorney General to bring a civil RICO investigation into big fossil fuel. ''These reports, if true,'' reads Senator SANDERS' letter to Attorney General Lynch, ''raise serious allegations of a misinformation campaign that may have caused public harm similar to the tobacco industry's actions—conduct that led to federal racketeering convictions''—actually, a judgment. It was civil. But it is otherwise accurate.

Also last week, Sharon Eubanks, the former U.S. Department of Justice attorney who actually brought the civil action and won the civil RICO case against the tobacco industry, said that, considering recent revelations regarding ExxonMobil, the Department of Justice should consider launching an investigation into big fossil fuel companies—that it ''is plausible and should be considered.'' That was her quote.

Let me show why it is plausible and should be considered. Let me read from U.S. District Judge Gladys Kessler's description of the culpable conduct in her decision in the government's racketeering case against Big Tobacco:

Each and every one of these Defendants repeatedly, consistently, vigorously—and falsely—denied the existence of any adverse health effects from smoking. Moreover, they mounted a coordinated, well-financed, sophisticated public relations campaign to attack and distort the scientific evidence demonstrating the relationship between smoking and disease, claiming that the link between the two was still an ''open question.''

Defendants knew there was a consensus in the scientific community that smoking caused lung cancer and other diseases. Despite that fact, they publicly insisted that there was a scientific controversy and disputed scientific findings linking smoking and disease knowing their assertions were false.

Now, let's read that exact same language back but apply it to climate.

Each and every one of these Defendants repeatedly, consistently, vigorously—and falsely—denied the existence of any adverse [climate] effects from [carbon pollution]. Moreover, they mounted a coordinated, well-financed, sophisticated public relations campaign to attack and distort the scientific evidence demonstrating the relationship between [carbon pollution] and [climate], claiming that the link between the two was still an ''open question.''

Defendants knew there was a consensus in the scientific community that [carbon pollution] caused [climate change] and other [harms]. Despite that fact, they publicly insisted that there was a scientific controversy and disputed scientific findings linking [carbon pollution] and [climate] knowing their assertions were false.

Just change the words, and there is her judgment against the tobacco industry, and it plainly applies to climate denial.

The investigative journalism from InsideClimate News and the Los Angeles Times is damning. The calls for greater scrutiny of ExxonMobil and the fossil fuel industry are mounting, and the phony-baloney denial network is up in arms, trying to shovel this campaign under the protection of the First Amendment. Sorry, guys, the First Amendment doesn't protect fraud.

Describing Caesar at the Battle of Monda, Napoleon said: ''There is a moment in combat when the slightest maneuver is decisive and gives superiority; it is the drop of water that starts the overflow.''

Is the tide turning? Is this the decisive moment? Despite documented warnings from their own scientists dating from the 1970s, ExxonMobil and others pursued a campaign of deceit, denial, and delay. They may soon have to face the consequences. In any event, history will not look kindly on their choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

NO CHILD LEFT BEHIND REFORM

Mr. ALEXANDER. Mr. President, over the weekend President Obama announced that all 100,000 public schools across the Nation should limit testing to 2 percent of a student's time in the classroom. It is a recommendation, not a requirement, and it comes in response to a nationwide backlash from teachers, students, and parents who are sick of overtesting.

I was glad to see the President's comments. He is right about students taking too many tests. But I hope the President will stop and think before trying to cure overtesting by telling teachers exactly how much time to spend on testing or what the tests should be. Classroom teachers know better than Washington how to assess their students' progress. They also know that the real reason we have too many tests is that there are too many Federal mandates that put high stakes on student test results and that one more Washington decree—even if it is only a recommendation for now—is not the way to solve the problem of too many Federal mandates.

Instead, the best way to fix overtesting is to get rid of the Federal mandates that are causing the problem. That is precisely what the Senate did when it passed by an overwhelming bipartisan majority, 81 to 17, legislation to fix No Child Left Behind and give more flexibility to States and to classroom teachers to decide which tests will decide what progress students are making in the classroom.

No Child Left Behind, a Federal law enacted in 2001, requires students to take 17 standardized tests over the course of their education, kindergarten through the 12th grade. It then uses those tests to decide whether schools and teachers are succeeding or failing.

In the Senate's work to fix No Child Left Behind, no issue stirred as much controversy as these high-stakes tests. At first, I was among those who thought the best way to fix overtesting might be to get rid of the 17 Federal tests. But the more we studied the problem, the more the issues seemed not to be the 17 Federal tests but the federally designed system of rewarding and punishing schools and teachers that was attached to the tests.

A third grader, for example, is required to take only one test in math and one in reading. Each of those tests probably takes 1 or 2 hours, according to testimony before our committee. But here is the problem: The results of these tests count so much in the federally mandated accountability system that States and school districts are giving students dozens of additional tests to prepare for the Federal tests.

A new survey says students in big-city schools will take, on average, 112 mandatory standardized tests between prekindergarten and high school graduation. That is eight tests a year. One Florida study showed that a Fort Myers school district gave more than 160 tests to its students. Only 17 of those are federally required.

So after hearing this, the Senate decided to keep the federally required 17 tests. That is two annual tests in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12. We also kept the practice of reporting results publicly so parents and teachers know how their children are performing. These results are disaggregated, so we know how students are doing based upon their gender, their ethnicity or their disability.

Then, to discourage overtesting, we restored to States and classroom teachers the responsibility for deciding how to use these Federal test scores to measure achievement.

The Senate bill ends the high-stakes, Washington-designed, test-based accountability system that has caused the explosion of tests in our local schools. The Senate bill reverses the trend toward a national school board.

I am glad to see President Obama's focus on overtesting, but let's not make the same mistake twice by decreeing from Washington exactly how much time to spend on tests or what the tests should be. States and 3 million teachers in 100,000 public schools are in the best position to know what to do about overtesting our children.

Both the Senate and the House of Representatives have now passed similar bills to fix No Child Left Behind and to reduce the Federal mandates that are the real cause of overtesting. The best way to have fewer and better tests in America's classrooms is for Congress to finish its work and the President to sign our legislation before the end of the year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPANESE POW FRIENDSHIP PROGRAM

Mr. DURBIN. Mr. President, I would like to take a moment to call attention to a group of our Nation's veterans who participated in a reconciliation program with the Japanese Government.

From October 11 to October 19, nine veterans of the U.S. Army, U.S. Army Air Corps, and the U.S. Marines who fought bravely in the Pacific theater of World War II and were taken prisoner by Japanese forces traveled to Japan. They were guests of the Japanese Government on a trip of reconciliation and remembrance.

Established in 2010, this was the sixth Japanese POW Friendship Program delegation. This program is sponsored by the Japanese Ministry of Foreign Affairs for World War II POWs from the United States, with Japan running similar friendship programs with Australia and Britain.

More than 30,000 Allied troops were taken prisoner in Japan, many of them Americans who faced horrific ordeals. Today, 70 years following the end of World War II, this program reflects the journey of forgiveness and resolution between the United States and Japan, as our relationship has developed into one of the most critical in the region.

I would like to take a moment to acknowledge the veterans who were members of this year's delegation: Joseph DeMott, a U.S. Army Air Corps veteran from Litiz, PA; Arthur Gruenberg, a U.S. Marine Corps veteran from Camano Island, WA; George Hirschkamp, a U.S. Marine Corps veteran from Sandpoint, ID; George Rodgers, a U.S. Army veteran from Lynchburg, VA; Jack Warner, a U.S. Marine Corps veteran from Elk City, OK; and Clifford Warren, a U.S. Army veteran from Shepherd, TX.

I would also like to recognize three members of the delegation who are my constituents: Leland Chandler, a U.S. Army veteran from Galesburg, IL; William Chittenden, a U.S. Marine Corps veteran from Wheaton, IL; and Carl Dyer, a U.S. Army veteran from Oglesby, IL.

I am so grateful to all of these participants for their years of service to our Nation.

The delegation was accompanied by Jan Thompson, another Illinois constituent and a documentary filmmaker and daughter of a World War II veteran who was himself a POW in Japan. Thompson also heads the nonprofit veterans organization American Defenders of Bataan & Corregidor Memorial Society.

The Japanese POW Friendship Program and the American veterans who participate in it represent the transformation and strength of the U.S.-Japan relationship. I hope this program continues to bring together our two nations in remembrance and reconciliation.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4380 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation that increases sharing of cyber security threat information while protecting individual privacy and civil liberties interests. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016–2020 or the period of the total of fiscal years 2016–2025.

I find that S. 754, as amended, fulfills the conditions of deficit neutrality found in section 4380 of S. Con. Res. 11. Accordingly, I am revising the allocation to the Select Committee on Intelligence and the budgetary aggregates to account for the budget effects of the amendment. As the budgetary effects of S. 754, as amended, are insignificant under our accounting methods, budgetary figures remain numerically unchanged.

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for October 2015. The report compares current law levels of spending and revenues with the amounts provided in the conference report to accompany S. Con. Res. 11, the budget resolution for fiscal year 2016. This information is necessary to determine whether budget points of order lie against pending legislation. It has been prepared by the Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, pursuant to section 308(b) of the Congressional Budget Act.

This is the third report I have made since adoption of the fiscal year 2016 budget resolution on May 5, 2015. My last filing can be found in the CONGRESSIONAL RECORD on September 10, 2015. The information contained in this report is current through October 26, 2015.

Table 1 gives the amount by which each Senate authorizing committee is below or exceeds its allocation under the budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the Congressional Budget Act of 1974, CBA. For fiscal year 2015, which ended on September 30, 2015, Senate authorizing committees have increased direct spending outlays by $7.8 billion more than the agreed upon spending levels. Over the fiscal year 2016–2025 period, which is the entire period covered by S. Con. Res. 11, Senate authorizing committees have spent $2.2 billion less than the budget resolution calls for.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in section 312 and section 314 of the CBA. While no full-year appropriations bills have been enacted for fiscal year 2016, subcommittees are charged with permanent and advanced appropriations that first become available in that year.

Table 3 gives the amount by which the Senate Committee on Appropriations is below or exceeds its allocation for overseas contingency operations/global war on terrorism, OCO/GWOT, spending. This separate allocation for OCO/GWOT was established in section 3102 of S. Con. Res. 11 and is enforced using section 302 of the CBA. No bills providing funds with the OCO/GWOT designation on a full-year basis have been enacted thus far for fiscal year 2016.

The budget resolution established two new points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPS. Tables 4 and 5 show compliance with fiscal year 2016 limits for overall CHIMPS and the Crime Victims Fund CHIMP, respectively. This information is used for determining points of order under section 3103 and section 3104, respectively. No full-year bills have been enacted thus far for fiscal year 2016 that include CHIMPS.

In addition to the tables provided by the Senate Budget Committee Republican staff, I am submitting additional

tables from CBO that I will use for enforcement of budget levels agreed to by the Congress.

CBO provided a report for both fiscal year 2015 and fiscal year 2016. This information is used to enforce aggregate spending levels in budget resolutions under section 311 of the CBA. CBO's estimates show that current law levels of spending for fiscal year 2015 exceed the amounts in the deemed budget resolution enacted in the BBA by $8.0 billion in budget authority and $1.0 billion in outlays. Revenues are $79.8 billion below the revenue floor for fiscal year 2015 set by the deemed budget resolution. As well, Social Security outlays are at the levels assumed for fiscal year 2015, while Social Security revenues are $170 million above levels in the deemed budget. This will be CBO's final report to the Senate Budget Committee for fiscal year 2015, as the fiscal year is now closed.

For fiscal year 2016, CBO annualizes the effects of the Continuing Appropriations Act, P.L. 114–53, which provides funding through December 11, 2015. For the enforcement of budgetary aggregates, the Senate Budget Committee excludes this temporary funding. As such, the committee views current law levels as being $885.9 billion and $526.4 billion below budget resolution levels for budget authority and outlays, respectively. Revenues are $144 million above the level assumed in the budget resolution. Finally, Social Security outlays are at the levels assumed in the budget resolution for fiscal year 2016, while Social Security revenues are $18 million above assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate's pay-as-you-go rule. The Senate's pay-as-you-go scorecard currently shows deficit reduction of $1.4 billion over the fiscal year 2015–2020 period and $6.1 billion over the fiscal year 2015–2025 period. Over the initial 6-year period, Congress has enacted legislation that would increase revenues by $4.1 billion and increase outlays by $2.7 billion. Over the 11-year period, Congress has enacted legislation that would reduce revenues by $1.3 billion and decrease outlays by $7.4 billion. The Senate's pay-as-you-go rule is enforced by section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS

(In millions of dollars)

	2015	2016	2016–2020	2016–2025
Agriculture, Nutrition, and Forestry				
Budget Authority	254	0	0	0
Outlays	229	0	0	0
Armed Services				
Budget Authority	−15	0	0	0
Outlays	0	0	0	0
Banking, Housing, and Urban Affairs				
Budget Authority	121	0	0	0
Outlays	121	0	0	0
Commerce, Science, and Transportation				
Budget Authority	0	130	650	1,300
Outlays	0	0	0	0
Energy and Natural Resources				
Budget Authority	0	0	0	0
Outlays	−2	0	0	0
Environment and Public Works				
Budget Authority	0	0	0	−3,160
Outlays	0	0	0	−3,160
Finance				
Budget Authority	7,322	5	13	28
Outlays	7,288	5	13	28
Foreign Relations				
Budget Authority	−20	0	0	0
Outlays	−20	0	0	0
Homeland Security and Governmental Affairs				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Judiciary				
Budget Authority	0	0	1	2
Outlays	0	0	1	2
Health, Education, Labor, and Pensions				
Budget Authority	3	0	208	278
Outlays	1	0	208	278
Rules and Administration				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Intelligence				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Veterans' Affairs				
Budget Authority	0	−2	−1	−1
Outlays	150	388	644	644
Indian Affairs				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Small Business				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Total				
Budget Authority	7,665	133	871	−1,553
Outlays	7,767	393	866	−2,208

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]

(Budget authority, in millions of dollars)

	2016	
	Security [2]	Nonsecurity [2]
Statutory Discretionary Limits	523,091	493,491
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	9
Commerce, Justice, Science, and Related Agencies	0	0
Defense	41	0
Energy and Water Development	0	0
Financial Services and General Government	0	41
Homeland Security	0	9
Interior, Environment, and Related Agencies	0	0
Labor, Health and Human Services, Education and Related Agencies	0	24,678
Legislative Branch	0	0
Military Construction and Veterans Affairs, and Related Agencies	0	56,217
State, Foreign Operations, and Related Programs	0	0
Transportation and Housing and Urban Development, and Related Agencies	0	4,400
Current Level Total	41	85,354
Total Enacted Above (+) or Below (−) Statutory Limits	−523,050	−408,137

[1] This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

[2] Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS—Continued

(In millions of dollars)

	2015	2016	2016–2020	2016–2025
Outlays	229	0	0	0
Armed Services				
Budget Authority	−15	0	0	0
Outlays	0	0	0	0
Banking, Housing, and Urban Affairs				
Budget Authority	121	0	0	0
Outlays	121	0	0	0
Commerce, Science, and Transportation				
Budget Authority	0	130	650	1,300
Outlays	0	0	0	0
Energy and Natural Resources				
Budget Authority	0	0	0	0
Outlays	−2	0	0	0
Environment and Public Works				
Budget Authority	0	0	0	−3,160
Outlays	0	0	0	−3,160
Finance				
Budget Authority	7,322	5	13	28
Outlays	7,288	5	13	28
Foreign Relations				
Budget Authority	−20	0	0	0
Outlays	−20	0	0	0
Homeland Security and Governmental Affairs				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Judiciary				
Budget Authority	0	0	1	2
Outlays	0	0	1	2
Health, Education, Labor, and Pensions				
Budget Authority	3	0	208	278
Outlays	1	0	208	278
Rules and Administration				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Intelligence				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Veterans' Affairs				
Budget Authority	0	−2	−1	−1
Outlays	150	388	644	644
Indian Affairs				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Small Business				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
Total				
Budget Authority	7,665	133	871	−1,553
Outlays	7,767	393	866	−2,208

TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM DISCRETIONARY APPROPRIATIONS

(In millions of dollars)

	2016	
	BA	OT
OCO/GWOT Allocation [1]	96,287	48,798
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	0
Commerce, Justice, Science, and Related Agencies	0	0
Defense	0	0
Energy and Water Development	0	0
Financial Services and General Government	0	0
Homeland Security	0	0
Interior, Environment, and Related Agencies	0	0
Labor, Health and Human Services, Education and Related Agencies	0	0
Legislative Branch	0	0
Military Construction and Veterans Affairs, and Related Agencies	0	0
State, Foreign Operations, and Related Programs	0	0
Transportation and Housing and Urban Development, and Related Agencies	0	0
Current Level Total	0	0
Total OCO/GWOT Spending vs. Budget Resolution	−96,287	−48,798

BA = Budget Authority; OT = Outlays

[1] This allocation may be adjusted by the Chairman of the Budget Committee to account for new information, pursuant to section 3102 of S. Con. Res. 11, the Concurrent Resolution of the Budget for Fiscal Year 2016.

TABLE 4.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

(Budget authority, millions of dollars)

	2016
CHIMPS Limit for Fiscal Year 2016	19,100
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	0
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education and Related Agencies	0
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State, Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	0
Total CHIMPS Above (+) or Below (−) Budget Resolution	−19,100

TABLE 5.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAM (CHIMP) TO THE CRIME VICTIMS FUND

(Budget authority, millions of dollars)

	2016
Crime Victims Fund (CVF) CHIMP Limit for Fiscal Year 2016	10,800
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	0
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education and Related Agencies	0
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	0
Total CVF CHIMP Above (+) or Below (−) Budget Resolution	−10,800

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 2015.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2015 budget and is current through September 30, 2015. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the allocations, aggregates, and other budgetary levels printed in the Congressional Record on May 5, 2014, pursuant to section 116 of the Bipartisan Budget Act (Public Law 113–67).

Since our last letter dated September 10, 2015, there has been no Congressional action affecting budget authority, outlays, or revenues for fiscal year 2015.

Sincerely,

KEITH HALL, *Director*.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2015, AS OF SEPTEMBER 30, 2015

[In billions of dollars]

	Budget Resolution	Current Level [a]	Current Level Over/Under (−) Resolution
On-Budget			
Budget Authority	3,026.4	3,034.4	8.0
Outlays	3,039.6	3,040.7	1.0
Revenues	2,533.4	2,453.6	−79.8
Off-Budget			
Social Security Outlays [b]	736.6	736.6	0.0
Social Security Revenues	771.7	771.9	0.2

Source: Congressional Budget Office.

[a] Excludes amounts designated as emergency requirements.

[b] Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2015, AS OF SEPTEMBER 30, 2015

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted [a]			
Revenues	n.a.	n.a.	2,533,388
Permanents and other spending legislation	1,877,558	1,802,360	n.a.
Appropriation legislation	0	508,261	n.a.
Offsetting receipts	−735,195	−734,481	n.a.
Total, Previously Enacted	1,142,363	1,576,140	2,533,388
Enacted Legislation: [b]			
Lake Hill Administrative Site Affordable Housing Act (P.L. 113–141)	0	−2	0
Emergency Supplemental Appropriations Resolution, 2014 (P.L. 113–145)	0	75	0
Highway and Transportation Funding Act of 2014 (P.L. 113–159)	0	−15	2,590
Emergency Afghan Allies Extension Act of 2014 (P.L. 113–160)	5	5	6
Continuing Appropriations Resolution, 2015 (P.L. 113–164) [c]	−4,705	−180	0
Preventing Sex Trafficking and Strengthening Families Act (P.L. 113–183)	0	10	0
IMPACT Act of 2014 (P.L. 113–185)	22	22	0
Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113–235)	1,884,271	1,426,085	−178
An act to amend certain provisions of the FAA Modernization and Reform Act of 2012 (P.L. 113–243)	0	0	−28
Naval Vessel Transfer Act of 2013 (P.L. 113–276)	−20	−20	0
Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113–291)	−15	0	0
An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes (P.L. 113–295)	160	160	−81,177
Terrorism Risk Insurance Program Reauthorization Act of 2015 (P.L. 114–1)	121	121	1
Department of Homeland Security Appropriations Act, 2015 (P.L. 114–4)	47,763	27,534	0
Medicare Access and CHIP Reauthorization Act of 2015 (P.L. 114–10)	7,354	7,329	0
Construction Authorization and Choice Improvement Act (P.L. 114–19)	0	20	0
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes (P.L. 114–25)	0	130	0
Trade Preferences Extension Act of 2015 (P.L. 114–27)	38	7	−1,051
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41) [b]	0	0	19
Total, Enacted Legislation	1,934,994	1,461,281	−79,818
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−42,921	3,239	0
Total Current Level [d]	3,034,436	3,040,660	2,453,570
Total Senate Resolution [e]	3,026,439	3,039,624	2,533,388
Current Level Over Senate Resolution	7,997	1,036	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	79,818

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

[a] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during the 2nd session of the 113th Congress but before publication in the Congressional Record of the statement of the allocations and aggregates pursuant to section 116 of the Bipartisan Budget Act of 2013 (P.L. 113–67): the Agricultural Act of 2014 (P.L. 113–79), the Homeowner Flood Insurance Affordability Act of 2014 (P.L. 113–89), the Gabriella Miller Kids First Research Act (P.L. 113–94), and the Cooperative and Small Employer Charity Pension Flexibility Act (P.L. 113–97).

[b] Pursuant to section 403(b) of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, amounts designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13, shall not count for certain budgetary enforcement purposes. The amounts so designated for 2015, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014 (P.L. 113–146)	−1,331	6,619	−42
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41) –	0	1,147	0
Total, amounts designated pursuant to Sec. 403 of S. Con. Res. 13	−1,331	7,766	−42

[c] Sections 136 and 137 of the Continuing Appropriations Resolution, 2015 (P.L. 113–164) provide $88 million to respond to the Ebola virus, which is available until September 30, 2015. Section 139 rescinds funds from the Children's Health Insurance Program. Section 147 extended the authorization for the Export-Import Bank of the United States through June 30, 2015.

[d] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

[e] Periodically, the Senate Committee on the Budget revises the budgetary levels printed in the Congressional Record on May 5, 2014, pursuant to section 116 of the Bipartisan Budget Act of 2013 (Public Law 113–67):

	Budget Authority	Outlays	Revenues
Original Senate Resolution:	2,939,993	3,004,163	2,533,388
Revisions:			
Adjustment for Disaster Designated Spending	100	43	0
Adjustment for Overseas Contingency Operations and Disaster Designated Spending	74,995	31,360	0
Adjustment for Emergency Designated Spending	0	75	0
Adjustment for the Consolidated and Further Continuing Appropriations Act, 2015	11,351	3,983	0
Revised Senate Resolution	3,026,439	3,039,624	2,533,388

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 2015.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2016 budget and is current through October 26, 2015. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016.

Since our last letter dated September 10, 2015, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2016: Continuing Appropriations Act, 2016 (Public Law 114–53); Airport and Airway Extension Act of 2015 (Public Law 114–55); Department of Veterans Affairs Expiring Authorities Act of 2015 (Public Law 114–58); and Protecting Affordable Coverage for Employees Act (Public Law 114–60).

Sincerely,

KEITH HALL, *Director*.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF OCTOBER 26, 2015

[In billions of dollars]

	Budget Resolution [a]	Current Level [b]	Current Level Over/Under (−) Resolution
ON-BUDGET			
Budget Authority	3,033.5	3,155.6	122.1
Outlays	3,092.0	3,167.9	76.0
Revenues	2,676.0	2,676.1	0.1
OFF-BUDGET			
Social Security Outlays [c]	777.1	777.1	0.0
Social Security Revenues	794.0	794.0	0.0

Source: Congressional Budget Office.

[a] Excludes $6,872 million in budget authority and $344 million in outlays assumed in S. Con. Res. 11 for disaster-related spending that is not yet allocated to theSenate Committee on Appropriations.

[b] Excludes amounts designated as emergency requirements.

[c] Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF OCTOBER 26, 2015

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted [a]			
Revenues	n.a.	n.a.	2,676,733
Permanents and other spending legislation	1,968,496	1,902,345	n.a.
Appropriation legislation	0	500,825	n.a.
Offsetting receipts	−784,820	−784,879	n.a.
Total, Previously Enacted	1,183,676	1,618,291	2,676,733
Enacted Legislation:			
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes (P.L. 114–25)	0	20	0
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	0	0	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	445	175	−766
Steve Gleason Act of 2015 (P.L. 114–40)	5	5	0
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41) [b]	0	0	99
Continuing Appropriations Act, 2016 (P.L. 114–53)	700	775	0
Airport and Airway Extension Act of 2015 (P.L. 114–55)	130	0	0
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	−2	368	0
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	0	0	40
Total, Enacted Legislation	1,278	1,343	−622
Continuing Resolution:			
Continuing Appropriations Act, 2016 (P.L. 114–53)	1,008,053–	602,405 –	0
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	962,619	945,910	0
Total Current Level [c]	3,155,626	3,167,949	2,676,111
Total Senate Resolution [d]	3,033,488	3,091,973	2,675,967
Current Level Over Senate Resolution	122,138	75,976	144
Current Level Under Senate Resolution	n.a.	n.a.	n.a.
Memorandum: Revenues, 2016–2025:			
Senate Current Level	n.a.	n.a.	32,237,119
Senate Resolution	n.a.	n.a.	32,233,099
Current Level Over Senate Resolution	n.a.	n.a.	4,020
Current Level Under Senate Resolution	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

[a] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. II, the Concurrent Resolution on the Budget for Fiscal Year 2016: the Terrorism Risk Insurance Program Reauthorization Act of 2014 (P.L. 114–41); the Department of Homeland Security Appropriations Act, 2015 (P.L. 114–4), and the Medicare Access and CHIP Reauthorization Act of 2015 (P.L. 114–10).

[b] Pursuant to section 403(b) of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, amounts designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13, shall not count for certain budgetary enforcement purposes. The amounts so designated for 2016, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	0	917	0

[c] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

[d] Periodically, the Senate Committee on the Budget revises the budgetary levels in S. Con Res. 11 , pursuant to various provisions of the resolution. The Senate Resolution total below excludes $6,872 million in budget authority and $344 million in outlays assumed in S. Con Res. 11 for disaster-related spending that is not yet allocated to the Senate Committee on Appropriations:

	Budget Authority	Outlays	Revenues
Senate Resolution:	3,032,343	3,091,098	2,676,733
Revisions:			
Pursuant to section 4311 of S. Con. Res. 11	445	175	−766
Pursuant to section 311 of S. Con. Res. 11	700	700	0
Revised Senate Resolution	3,033,488	3,091,973	2,675,967

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 114TH CONGRESS—1ST SESSION, AS OF OCTOBER 26, 2015

(In millions of dollars)

	2015–2020	2015–2025
Beginning Balance [a]	0	0
Enacted Legislation: [b c d]		
Iran Nuclear Agreement Review Act of 2015 (P.L. 114–17) [e]	n.e.	n.e.
Construction Authorization and Choice Improvement Act (P.L. 114–19)	20	20
Justice for Victims of Trafficking Act of 2015 (P.L. 114–22)	1	2
Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (P.L. 114–23)	*	*
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado (P.L. 114–25)	150	150
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	−1	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	−640	−52
Boys Town Centennial Commemorative Coin Act(P.L. 114–30) [f]	0	0
Steve Gleason Act of 2015 (P.L. 114–40)	13	28
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	−1,552	−6,924
Agriculture Reauthorizations Act of 2015 (P.L. 114–54)	*	*
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	624	624
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	−32	−2
Gold Star Fathers Act of 2015 (P.L. 114–62)	*	*
Ensuring Access to Clinical Trials Act of 2015 (P.L. 114–63)	*	*
Adoptive Family Relief Act (P.L. 114–70)	*	*
Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (H.R. 774)	*	*
A bill to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs) (S. 1362)	*	*
Current Balance	−1,417	−6,149
Memorandum:		
	2015–2020	2015–2025
Changes to Revenues	4,140	−1,284
Changes to Outlays	2,723	−7,433

Source: Congressional Budget Office.

Notes: n.e. = not able to estimate; P.L. = Public Law. * = between −$500,000 and $500,000.

[a] Pursuant to S. Con. Res. 11, the Senate Pay-As-You-Go Scorecard was reset to zero.

[b] The amounts shown represent the estimated impact of the public laws on the deficit. Negative numbers indicate an increase in the deficit; positive numbers indicate a decrease in the deficit.

[c] Excludes off-budget amounts.

[d] Excludes amounts designated as emergency requirements.

[e] P.L. 114–17 could affect direct spending and revenues, but such impacts would depend on future actions of the President that CBO cannot predict. (http://www.cbo.gov/sites/det1mltlfiles/cbofiles/attachments/s615.pdf)

[f] P.L. 114–30 will cause a decrease in spending of $5 million in 2017 and an increase in spending of $5 million in 2019 for a net impact of zero over the six-year and eleven-year periods.

EPA GOLD KING MINE SPILL

Mr. MCCAIN. Mr. President, last month the Senate Indian Affairs Committee held an oversight hearing on the Environmental Protection Agency's Gold King Mine disaster. I am very grateful that Chairman JOHN BARRASSO and Vice Chairman JON TESTER quickly made this matter a priority for their committee following the August break. The hearing focused on the harmful impacts that spill is having on Indian Country, namely the Navajo Nation, the Southern Ute Tribe, and the Ute Mountain Ute Tribe.

On the Navajo Nation, an estimated 1,500 farms have been damaged by the EPA and its contractors when they released a deluge of tailings-pond wastewater from the abandoned Gold King Mine. On August 5, 2015, an acidic plume of mercury, arsenic, and other metals worked its way down the Animas River in Colorado and into the San Juan River near Farmington, NM. Nobody yet knows for certain the total damage to crops, soil, livestock, wildlife, and water supplies that are critical sources of food for the Navajo people and also serve as economic and cultural centers. Those farmers who were able to shut down their irrigation systems watched in horror as their crops wilted.

The EPA now says water quality in the San Juan River has returned to ''pre-event levels,'' but the Gold King Mine is still releasing water roughly at 600 gallons per minute. The concentrations of toxic metals may not as be as high today as it was during the initial 3 million gallon flush, but the Navajo are still waiting for EPA to demonstrate it can prevent another large release. The nation is rightfully demanding assurances that heavy rainfall won't disturb toxic substances that may have settled in the sediment of the Animas River, the San Juan River, or even Lake Powell.

In August, I—along with Arizona Governor Doug Ducey—met with Navajo Nation president Russell Begaye and Navajo council speaker Lorenzo Bates in Window Rock, AZ, to discuss this matter. I can assure my colleagues that the Navajo are suffering deeply and dearly because of this spill. I have also received calls and letters from a number of concerned constituents, mayors, county supervisors, and businesses in northern Arizona who also have a stake in the health and safety of Lake Powell. They are just as alarmed as the Navajo people that the plume could endanger their livelihoods and their enjoyment of natural resources in their communities. The Arizona Department of Environmental Quality and the Arizona Geological Survey have been expending scarce resources to conduct water samples independent of EPA. And that has been helpful. But the Federal Government has to step up and take action that would allow all affected stakeholders, but especially tribal communities, find confidence in what the Federal Government is doing to fix the mess that it created.

At last month's hearing, we received testimony from EPA Administrator Gina McCarthy and others dealing with the spill, including the Navajo Nation president, Russell Begaye. We also received testimony from Doug Holtz-Eakin, a noted economist and former Director of the Congressional Budget Office. Mr. Holtz-Eakin estimated that the spill will cost the Navajo's agriculture sector roughly $41,000 a day in lost economic activity.

While I am grateful that Administrator McCarthy agreed to appear before the committee, I am concerned that, under her watch, not a single Agency employee or contractor had been fired for the disaster. In her testimony, Administrator McCarthy portrayed the EPA's response to the tribes as timely, but her portrayal was directly contradicted by the testimony of the Navajo president, who noted that it took EPA 2 days to notify the tribe about the plume's threat to the tribe. It was also revealed that Administrator McCarthy did not directly contact President Begaye for about 5 days after the spill. The committee also received testimony that EPA had not quickly and routinely shared water monitory data with the tribes. All of this shatters any notion that EPA has honored its government-to-government responsibility to the nation.

The Gold King Mine spill was a series of failures by EPA that compounded, and the Navajo are paying the price. I will continue to push for increased congressional oversight into this matter.

HEAD START AWARENESS MONTH

Mr. CARPER. Mr. President, it is with great pleasure that I speak on behalf of the Delaware delegation to honor Head Start's 50 years of service to our Nation's most vulnerable children and families in Delaware and nationwide. On May 18, 1965, President Lyndon B. Johnson launched Project Head Start as an 8-week summer demonstration project to teach low-income students needed skills before they started kindergarten. Over the past 50 years, Head Start has served 32 million children and families across the country with comprehensive services.

The Head Start Program has given children and families the tools to succeed by ensuring a high quality education and access to health care and social services. The Head Start Program represents a critical investment in the education of our nation's youngest children. In the State of Delaware, 2,714 children and pregnant women benefitted from Head Start, Early Head Start, and the Early Childhood Assistance Program in 2014. Head Start is instrumental in uplifting families in Delaware by providing resources to families who, like many of us, want to see their children reach their full potential.

The teachers, home visitors, and family service workers that make up the Head Start Program are the backbone of this mission. Without them on the front lines each and every day, these early education goals would not be met. I commend the teachers and staff who are deeply committed to seeing all children succeed. On behalf of Senator CHRIS COONS and Congressman JOHN CARNEY, I recognize Head Start Awareness Month and the 50th Anniversary of Head Start. It is our sincere hope that future generations of children and families can continue to greatly benefit from Head Start's programs and we can put children on the right path from the very beginning.

OBSERVING INTERNATIONAL DAY OF THE GIRL

Mr. KIRK. Mr. President, October 11 marked the second annual International Day of the Girl. This day

brings together people and advocacy groups to raise awareness about the challenges facing girls around the world. Tragically, today's regional crises are having a disproportionately destructive impact on girls. 2015 marks the year with the highest number of displaced persons since World War II. According to the United Nations High Commissioner for Refugees, women and girls comprise half of any refugee or internally displaced population. Crises such as the ongoing conflict in Syria, over 1.5 million displaced in South Sudan, and the expanding migrant crisis in Europe, among others, risk leaving an entire generation of girls shaped by a lack of opportunity, gender-based violence, forced marriage, and disrupted education.

Access to education is often a top priority for refugee families upon resettling in a foreign country. We know that, if empowered with the appropriate tools, girls can be facilitators of change who can transform their own lives, as well as the lives of their families, communities, and societies and serve as a bulwark against the conditions that contribute to extremism that so many terrorist groups have exploited, often at the expense of women and girls. The lack of access to education for refugee girls stifles empowerment and stands in the way of achieving a durable solution to conflict.

As the United States and the international community work to cope with the current refugee crisis, it is critical that we focus not only on security but on the basic needs of refugees, such as access to education and increasing the role of women and girls in humanitarian response and civil society programs.

TRIBUTE TO THOMAS ROCKROADS, JR.

Mr. TESTER. Mr. President, I wish to honor Thomas Rockroads, Jr., a veteran of the Vietnam war. On behalf of all Montanans and all Americans, I would like to thank Mr. Rockroads for his service to our State and to our Nation. It is my privilege to share Thomas's story for the official Senate Record.

Thomas Rockroads, Jr., was born on December 21, 1948, in Crow Agency, MT. His father worked in sawmills in both Kirby and Lame Deer and was a ranch hand and coal miner in Lame Deer. His mother worked for many years at the Northern Hotel before coming home to the Northern Cheyenne Reservation. He spent his childhood in Busby and attended Busby High School until joining the Army his junior year.

In September of 1968, he volunteered for the Army Airborne Infantry, and by September of 1969, he found himself jumping out of helicopters and into the highlands of Vietnam. Thomas was a member of the 173rd Airborne Brigade, which was stationed in the hot, humid Tiger Mountains of Vietnam's Central Highlands. Their responsibilities included rescuing and evacuating ground forces, as well as setting up perimeters for operations. They were right in the thick of things, and, as Thomas once put it, ''If there was a hot spot where reinforcements were needed . . . we were there.'' On more than one occasion, this proved to be an important but harrowing position to be in. One night, when the brigade was charged with setting up a perimeter on a hillside, Thomas and his comrades felt particularly concerned. They knew the area was likely heavily booby-trapped, so they proceeded with extra caution. Their mission was to intercept the North Vietnamese forces headed in their direction, and after establishing a perimeter, they were allowed a few hours of rest before being put on high alert. A few hours later, while he was trying to get some sleep, Thomas suddenly heard a blast, and he was thrown nearly a dozen feet from his makeshift tent. Thomas quickly realized that someone had set off a booby trap, but before he could process much else, a medic began calling his name and he rushed over to help. Thomas worked with the medic to care for his fellow soldier, but shortly thereafter the man died in Thomas's arms.

A few days later, Thomas and his brigade found themselves under siege again—this time, without cover, they came face to face with enemy soldiers. The North Vietnamese troops, equipped with an anti-aircraft gun and hiding inside an irrigation trench, began rapid firing on Thomas and his platoon. Knowing they needed air support, Thomas headed right toward the anti-aircraft gun—as long as it was operable, American helicopters couldn't access the area. However, his M16 was jammed, so under heavy fire, he had to dislodge the trapped bullets and replace them with a new magazine. He and a fellow solider finally located the enemy's weapon at the far end of a hedgerow and headed back into the firestorm with one aim—to disarm it. Before they could reach their target, an enemy solider intercepted them, lobbing a grenade directly at Thomas and his comrade. They both ran for cover, and thankfully the grenade failed to detonate, but mere seconds after that, another soldier charged them, firing wildly at Thomas and his platoon. The soldier was not more than 10 feet away from Thomas when he finally went down.

Thomas returned to Busby, MT, a full 365 days after his deployment. He remarkably didn't sustain a single scratch. But like many of his fellow veterans, despite his lack of visible wounds, Thomas has struggled with the unseen wounds of war. Thirty-five years after coming back from Vietnam, he was formally diagnosed with post-traumatic stress disorder.

Despite this often debilitating struggle, Thomas has spent the last 30 years working for Western Energy's Rosebud Mine at Colstrip and raising two daughters and a son with his wife, Charlotte, of 38 years. He also has grandchildren. He credits his family with helping him heal. ''It's all the support of my family that's got me where I'm at today,'' Thomas said. ''My wife is always supporting me. My daughters, my son and my grandchildren—I'm very, very fortunate.''

However, Thomas is still haunted by his memories daily, and he doesn't want other soldiers to have to suffer the way he has had to. He believes, like I do, that our commitment to our veterans is a cost of war, and we must make it a priority to help, protect, and serve those who served. Too many of our Vietnam veterans never got the homecoming or the recognition they deserved. So today I am honored to have the opportunity to thank Thomas for his bravery both in battle and beyond. He is a Montanan born and bred, and his life has been a testament to the kind of commitment, courage, and compassion that our State can be proud of.

It was my honor to recognize Thomas Rockroads, Jr. by presenting him with the Bronze Star Medal, National Defense Service Medal, Vietnam Service Medal, Combat Infantryman Badge 1st Award, Republic of Vietnam Campaign Ribbon with 1960 Device, Sharpshooter Badge with auto rifle bar with rifle bar, Marksman Badge with machine gun bar, and the Parachutist Badge Basic.

Our State and our Nation thank you, Thomas, for your service and for a soldier's sacrifice.

RECOGNIZING MENTOR: THE NATIONAL MENTORING PARTNERSHIP

Mr. BOOKER. Mr. President, today I would like to recognize MENTOR: The National Mentoring Partnership, the leadership of its founders, Geoffrey T. Boisi and Raymond G. Chambers, and the expansion of the mentoring field in the past quarter century.

This year, MENTOR celebrates its 25th anniversary. Its founders, Geoffrey T. Boisi and Raymond G. Chambers, were leading businessmen and philanthropists who understood the value of mentoring in their own lives. They believed passionately that the intervention of a caring adult is a critical element in the life of a young person, and they believed that every young person needs and deserves a powerful relationship that supports their growth and gives them the opportunity for success.

In 1990, Boisi and Chambers recognized the powerful impact that mentoring could have on our Nation's at-risk youth, and they started a movement to increase opportunity for all young people by establishing MENTOR. The success of Boisi's and Chambers' efforts has been remarkable. That first year, approximately 300,000 youth at risk of falling off track were paired with a caring adult through a structured mentoring program. Today, 4.5 million at-risk young people will find

the support that they need in a mentoring relationship while growing up.

We know that research has found that young people with a mentor are 55 percent more likely to attend college and more than twice as likely to say that they held a leadership position in a club or sports team than young people without mentors. We also know that people who are mentored in their youth are 78 percent more likely to volunteer in their communities than those who are not mentored.

Unfortunately, despite the tremendous growth of the mentoring movement in America over the past 25 years, 1 in 3 young people, including 9 million at-risk youth, will still reach adulthood without having a mentor of any kind. This mentoring gap isolates these young people from the meaningful connections to adults that would help them to grow and succeed. Furthermore, young people are not the only ones who gain from a mentoring relationship. While mentoring empowers our children and sets them on the path to success, it also deeply enriches the lives of the adults who are partnered with them. As a mentor myself, I can attest to this profound benefit.

MENTOR has been a leader in the development of best practices to assist mentoring organizations across the country in improving their program quality. MENTOR and its network of affiliate Mentoring Partnerships has set the bar for quality in practice and has strengthened the mentoring field's capacity to deliver on the promise of mentoring.

It is clear that, in the last quarter century, MENTOR, under the leadership of its volunteer board and founders, has done tremendous work championing the advancement of mentoring practice and fostering the growth of the mentoring movement. Therefore, I ask that my colleagues join me in recognizing the accomplishments of this remarkable organization in expanding the quality and availability of mentoring for all young people in the United States, in honoring the service and leadership of MENTOR cofounders Geoffrey T. Boisi and Raymond G. Chambers and their dedication to America's youth, and in encouraging Americans to discover just how rewarding mentoring can be through volunteering with their local mentoring organization.

ADDITIONAL STATEMENTS

TRIBUTE TO REVEREND DOCTOR M. WILLIAM HOWARD, JR.

● Mr. BOOKER. Mr. President, today I would like to recognize Rev. Dr. M. William Howard, Jr., pastor of Newark's Bethany Baptist Church. Dr. Howard has spent many decades leading the charge for change, fueled by his personal mission to utilize his faith to transform the human condition.

From his Georgia roots to his work at Bethany Baptist, Dr. Howard has shown an extraordinary commitment to serving others. His work outside of the church has spanned the realms of human rights, international affairs, domestic policy, and education. In his role over the last 15 years as pastor of Bethany Baptist Church, he has worked tirelessly to expand outreach to the community as a whole.

Since his first position as a youth leader conducting some of the earliest voter outreach efforts in southwest Georgia, Dr. Howard has been a beacon of light across the globe, bridging the worlds of faith and political activism. He has consistently taken on leadership roles, serving as moderator of the Programme to Combat Racism of the World Council of Churches, president of the National Council of Churches, and president of the American Committee on Africa. Through these posts, Dr. Howard has provided a powerful example of our Nation's commitment to human rights and equality. In ministering to U.S. personnel held hostage in Iran in 1979 and working for the release of U.S. Navy pilot Robert O. Goodman, Dr. Howard was a quiet but powerful force for faith and peace.

Dr. Howard's record of service and leadership domestically is equally impressive. Serving as president of New York Theological Seminary, he demonstrated the importance of interdisciplinary approaches to community development by implementing joint programs in social work and urban education. He has been a board member for such organizations as the National Urban League, the Children's Defense Fund, and the Rutgers University Board of Governors. Under his leadership, the New Jersey Death Penalty Study Commission was instrumental in New Jersey becoming the first State to abolish the death penalty since 1976.

Finally, Dr. Howard's impact on the city of Newark has been remarkable. As pastor of Bethany, Dr. Howard quickly established Bethany Cares, Inc., and through this outreach corporation, the church has actively transcended its congregation walls to serve the community at large. Such transformative work has played an integral part in strengthening the development of New Jersey's largest city.

After 15 years of devoted service as pastor of Bethany Baptist Church, Dr. Howard will be retiring. It is an honor to formally recognize Dr. Howard for his unwavering commitment to creating a better world.●

RECOGNIZING VFW POST 1674 ON ITS 75TH ANNIVERSARY

● Mr. BOOZMAN. Mr. President, I wish to honor Veterans of Foreign Wars Post 1674 in Siloam Springs, AR, on its 75th anniversary.

Chartered November 10, 1940, the post was named in honor of Levi Douthit, a WWI veteran.

As a member of the Committee on Veterans' Affairs, I understand the importance of acknowledging the bravery and valor of the men and women who fought in defense of our country, as well as those who continue to serve. Men like Levi Douthit and members of VFW Post 1674 set their personal lives aside to fight for our country. This post recognizes the service, sacrifice, and courage of fellow veterans and continues to offer aid and assistance to those who served our Nation in uniform.

As participants in the Buddy Poppy Program, members support the veterans relief fund. They serve veterans in and around Siloam Springs who need help with daily basic needs and transportation to VA health centers for medical treatments.

Members continue their dedication to the community, offering scholarships to students, teaching flag etiquette, and, as partners with Kind at Heart Ministries of Siloam Springs, helping build wheelchair ramps for veterans.

The importance of Post 1674 to the community was apparent when more than a decade ago a lack of membership and financial troubles nearly forced its closure. Businessmen helped raise support in the community and kept its doors open.

I congratulate VFW Post 1674 on its 75th anniversary. I wish Commander Frank Lee and the 163 members who served in U.S. engagements since WWII the best of luck and many more years of camaraderie, service, and investment in the community.●

50-YEAR CLASS REUNION OF THE 1965 CLASS OF WESTERN HIGH SCHOOL

● Mr. CARDIN. Mr. President, this week in my hometown of Baltimore, MD, the Western High School class of 1965 will gather to celebrate their 50th class reunion. In honor of this special occasion, I wish to take a moment to pay tribute to the experiences of the WHS class of 1965 and commemorate the lasting legacy of Western High School, which continues to produce leaders for the Baltimore community.

To this day, Western High School remains a source of pride for the city of Baltimore. Founded as Western Female High School in 1844, it remains the oldest operating public all-girls high school in the Nation nearly 171 years after its doors opened on North Paca Street. Prior to the opening of Western Female High School and its now defunct companion Eastern Female High School, Baltimore City females were without an opportunity to advance their education beyond the basic grammar school level. Female students from across the city were drawn to the academic rigor of Western High School, creating a true magnet school, as we know today. As the city of Baltimore grew, so did Western High School. In 1896, Western High School moved to a larger location on Lafayette and McCulloh Streets, which allowed for

the expansion of courses to include clerical courses. Today Western High School resides on a joint campus opened in 1967 with the all-male Baltimore Polytechnic Institute on Falls Road.

The WHS class of 1965 graduated from Western in a transitionary period for Western. Two years away from the opening of the current campus, Western High School students attended classes in the heart of downtown Baltimore. With an overpopulated school building that forced administrators to move to a split shift schedule to accommodate all of Western's students, alumnae often participated in work or volunteer opportunities located within walking distance of the school. This proximity to downtown also allowed Western students to participate in the burgeoning civil rights movement in Baltimore City, including the picketing of businesses which refused to serve African Americans. While Western High School students can fondly remember their efforts to fight for social justice in the civil rights movement, the class of 1965 was also struck by the tragic news of President John F. Kennedy's assassination. Even as WHS mourned this news, former Western High School alumna Sarah T. Hughes, then judge of the U.S. District Court for the Northern District of Texas and just the third woman to ever serve as a Federal jurist, administered the oath of office to then-Vice President Lyndon B. Johnson aboard Air Force One.

The storied history of Western High School and school motto, ''Lucem accepimus, lucem demus''—''We have received light, let us give light''—has continued to inspire generations of students and countless alumnae of WHS. Among its alumnae include Henrietta Szold, the founder of Hadassah; Trazana Beverley, a 1977 Tony Award Winner; former Maryland State superintendent of schools Dr. Nancy S. Grasmick; current Baltimore City mayor Stephanie Rawlings-Blake; and current Western High School principal Michelle White. As the WHS class of 1965 comes together this week to celebrate their class reunion and years of friendship, I encourage each alumnae to remember the words they were taught at Western High School many years ago and continue to strengthen their own communities.●

TRIBUTE TO JAMIE TURNER

● Mr. CARPER. Mr. President, it is with great pleasure that, on behalf of the Delaware congressional delegation, I wish to honor the exemplary service of Jamie Turner, director of the Delaware Emergency Management Agency, upon his retirement. Jamie has served as director for 13 years and during that time has provided first responders and Delaware citizens with emergency preparedness training and education to keep Delawareans safe when hazards such as hurricanes, tornadoes, and fires hit Delaware. His efforts will be a guide and inspiration for the hard-working employees at DEMA and the many first responders in Delaware for years to come.

Jamie has a lifetime of experience when it comes to responding to emergency situations. In 1970, he began his education in fire protection technology at Delaware Technical Community College. He studied the causes and proper responses to various hazards and preventive measures that can be taken to avoid them entirely. Jamie took the knowledge he gained from his education and in 1976 began working with the Delaware State Fire School as the emergency service training administrator. It was his responsibility to supervise instructors, research technical information, and work with fire, rescue, and emergency medical services to develop necessary guidelines and effective procedures.

Then, in 2000, he took on the role of executive secretary of the Delaware Volunteer Firemen's Association, where he was tasked with following legislation at every level of government that affected DVFA's membership. In this role, he researched different laws and ordinances to ensure that the DVFA was following the proper guidelines. Thanks to Jamie, Delaware's firefighters stayed informed on the regulations that were put in place to keep themselves and those in emergency situations safe.

Jamie has been a dedicated public servant for years. Before his appointment to director of DEMA, he was serving and protecting Delaware through his consistent endeavors to remain on the cutting edge of best practices in emergency protocol and then use that experience to educate others in the field. He is active in the Smyrna Little League and continues to volunteer with the Delaware Fire Service.

On behalf of Senator CHRIS COONS and Congressman JOHN CARNEY, I wholeheartedly thank Jamie Turner for his service to the State of Delaware. His model leadership and dedication has improved the quality of our State's emergency response systems and has kept countless residents safe. We offer our sincere congratulations on a job well done and wish him and his wife Debbie, their daughters Kim and Katie, husbands Mike and Sean respectively, and their grandchildren Madelyn, Harper, Keegan, and Kolton many happy years to come.●

TRIBUTE TO VAUGHN THOMAS HAWKES

● Mr. CRAPO. Mr. President, I wish to honor Vaughn Thomas Hawkes on his 80th birthday. Vaughn is a native Idahoan whose family roots in the State go back generations. He is one of nine children born to a farm family outside of Preston, where he learned hard work and ingenuity are the keys to a good life. The work ethic he learned early on has served him well through his 80 years, but he had a spirit of adventure that was unusual for an Idaho farm boy. After he finished college at Utah State University and married his sweetheart of close to 56 years, Frances Arlene Anderson, they embarked on a journey that took them to the tiny island territory of American Samoa, where he first taught high school chemistry, math, and physics, and then served as principal at Mapusaga High School. But perhaps some may think his greatest achievement during that time was that he was instrumental in introducing American football to the Samoan people—something many college and NFL teams have appreciated for many years now. An educator by training and inclination, Vaughn spent many years in administrative positions at the Blackfoot School District before finishing his career in the Provo School District where he retired.

His devotion to his faith has been manifest in many ways, including missionary service throughout the world—first as a young missionary in western Canada; then in American Samoa; then in Milan, Italy; and most recently in Santa Monica, CA. His teaching nature has been evident far beyond his professional career, as he has been given the opportunity to educate through that missionary service. Upon his retirement from education several years ago, he had served in teaching positions at the LDS Missionary Training Center and the BYU-Idaho Pathways Program—ever searching to help those who are seeking improvement in their educational pursuits.

His friends and neighbors know him as a tinkerer, a man who can fix anything. He maintains a world-class collection of tools and parts you never knew you were missing. He is the proud father of eight children—Susan, Richard, Diane, Pamela, Cynthia, Daniel, John, and Scott. His eldest daughter, Susan, has worked for me for many years, and I have had the opportunity to get to know Vaughn on a personal level. While he may count them as his greatest achievements, each one of them is grateful for his influence and support in their lives. He taught them how to work, how to fight for what is right and fair, to value education and learning, to take the adventurous path, and to be faithful to the Lord. He has built a life of service and devotion to his family, friends, and faith and serves as a tremendous example of kindness and strength to all who know him.

As a young farm boy, Vaughn had an opportunity to receive the CONGRESSIONAL RECORD every day through the mail. He was fascinated by all that transpired in Congress and read the documents studiously. It was only the beginning of a lifetime of curiosity about the world around him. So it seemed a fitting tribute to honor his 80th birthday to provide him with his own mention in that illustrious RECORD. We wish him a very happy 80th birthday.●

TRIBUTE TO WAR CHIEF JOSEPH MEDICINE CROW

● Mr. DAINES. Mr. President, I would like to wish happy birthday to the last Crow war chief, Joseph Medicine Crow, who is celebrating his 102nd birthday today. He has served proudly as the Crow Tribe's historian and storyteller, is a decorated World War II veteran, and was the first in his tribe to attain a master's degree.

Medicine Crow has lived a life filled with numerous accomplishments. He is a recipient of the Presidential Medal of Freedom. The White House identified him as both ''a warrior and living legend'' when he received the Medal of Freedom in 2009. In 2006, his personal memoir, ''Counting Coup,'' was published by National Geographic. He is considered one of the most celebrated Native American soldiers due to his selfless service in World War II.

With his great-grandmother, grandmother, mother, and uncle all living past 100 years of age, Medicine Crow credits his long life to his strong family roots. Medicine Crow's secret advice to living such a long and full life? He advises going to sleep early, sleeping 8 hours, eating breakfast, keeping busy at work, and eating healthy and generously. He also touched on the positive influences of his wife, who urged him to maintain good habits. His positive, endearing spirit and sense of humor truly keeps him young.

Medicine Crow's spirit, humility, kind disposition, and many incredible life achievements are a model for all Montanans. Happy Birthday, Chief Medicine Crow. I look forward to celebrating many more.●

TRIBUTE TO RUSTY STAFNE

● Mr. DAINES. Mr. President, I wish to recognize the loyal service of A.T. ''Rusty'' Stafne, chairman of the Fort Peck Assiniboine and Sioux Tribes. Stafne ended his term yesterday and will not be running for reelection as chairman. I am proud to honor and to congratulate him on his service and successes.

As chairman, Stafne has worked diligently for the Assiniboine and Sioux people on the Fort Peck Reservation and has held firm in his priorities. He has worked to honor veterans, specifically those who served in World War II, and has worked tirelessly to protect wildlife in Montana and on the Fort Peck Reservation.

We thank Chairman Stafne for his involvement in the Senate Indian Affairs Committee. He has been a tireless advocate for rural water projects and other challenges facing the tribes. He has traveled to Washington, DC, to testify in front of Congress and has broadened the eyes of many—giving new and better insight into the life of tribal men and women, so that we can work together to better serve and protect our tribal nations.

I am thankful for Chairman Stafne's work on behalf of the tribe. His loyalty, priorities, and hard work set an amazing example to the rest of Montana and our great Nation as a whole.●

MESSAGES FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3033. An act to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia.

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on October 26, 2015, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 558. An act to designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the ''Richard 'Dick' Chenault Post Office Building''.

ENROLLED BILL SIGNED

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 313. An act to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 2:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3819. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3033. An act to require the President's annual budget request to Congress each year to include a line item for the Research in Disabilities Education program of the National Science Foundation and to require the National Science Foundation to conduct research on dyslexia; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 26, 2015, she had presented to the President of the United States the following enrolled bills:

S. 1362. An act to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

S. 2162. An act to establish a 10–year term for the service of the Librarian of Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1326. A bill to amend certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 114–158).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. 1789. A bill to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

Air Force nomination of Col. Thomas K. Wark, to be Brigadier General.

Air Force nomination of Col. Howard P. Purcell, to be Brigadier General.

Air Force nomination of Col. Allan L. Swartzmiller, to be Brigadier General.

Army nomination of Lt. Gen. David D. Halverson, to be Lieutenant General.

Army nomination of Maj. Gen. Kenneth R. Dahl, to be Lieutenant General.

Army nomination of Col. Erik H. Torring III, to be Brigadier General.

Army nomination of Maj. Gen. Thomas S. Vandal, to be Lieutenant General.

Army nomination of Col. Valeria Gonzalez-Kerr, to be Brigadier General.

Army nomination of Col. John J. Morris, to be Brigadier General.

Air Force nomination of Brig. Gen. Stephen E. Markovich, to be Major General.

Army nomination of Col. Marta Carcana, to be brigadier General.

Mr. McCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Brandon R. Abel and ending with Brandon A. Zuercher, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2015.

Air Force nominations beginning with Michelle T. Aaron and ending with Kirk P. Winger, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2015.

Air Force nominations beginning with Quentin D. Bagby and ending with Mary A. Workman, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2015.

Air Force nominations beginning with Robert H. Alexander and ending with Justin

David Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2015.

Army nomination of Matthew P. Tarjick, to be Lieutenant Colonel.

Army nomination of Judith S. Meyers, to be Major.

Army nominations beginning with Thomas W. Wisenbaugh and ending with Harold P. Xenitelis, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2015.

Army nomination of Michael A. Blaine, to be Colonel.

Navy nomination of Terry A. Petropoulos, to be Lieutenant Commander .

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Sarah Elizabeth Feinberg, of West Virginia, to be Administrator of the Federal Railroad Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. BOOKER):

S. 2207. A bill to require the Secretary of State to offer rewards of not less than $10,000,000 for information that leads to the arrest or conviction of suspects in connection with the bombing of Pan Am Flight 103; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. LEAHY, Ms. MIKULSKI, Mr. SANDERS, Ms. HIRONO, and Mr. CASEY):

S. 2208. A bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2209. A bill to revise various laws that interfere with the right of the people to obtain and use firearms for all lawful purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, and Mr. MARKEY):

S. 2210. A bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORAN (for himself and Mr. UDALL):

S. 2211. A bill to authorize additional uses of the Spectrum Relocation Fund; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BLUNT, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

S. 281

At the request of Mr. BLUNT, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 281, a bill to require a Federal agency to include language in certain educational and advertising materials indicating that such materials are produced and disseminated at taxpayer expense.

S. 520

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 520, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 619

At the request of Mr. CARDIN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 619, a bill to include among the principal trade negotiating objectives of the United States regarding commercial partnerships trade negotiating objectives with respect to discouraging activity that discourages, penalizes, or otherwise limits commercial relations with Israel, and for other purposes.

S. 637

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 682

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 682, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 746

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 773

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 773, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 776

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 776, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 1042

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1042, a bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic, South Atlantic, and North Atlantic planning areas.

S. 1249

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1249, a bill to amend the Fair Credit Reporting Act to provide protections for active duty military consumers, and for other purposes.

S. 1334

At the request of Ms. MURKOWSKI, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1334, a bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

S. 1375

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1375, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1565

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1565, a bill to allow the Bureau of Consumer Financial Protection to provide greater protection to servicemembers.

S. 1719

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1719, a bill to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

S. 1937

At the request of Mr. UDALL, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1937, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve nutrition in tribal areas, and for other purposes.

S. 1982

At the request of Mr. CARDIN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Montana (Mr. DAINES), the Senator from Arizona (Mr. FLAKE) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain

private contributions to fund the Wall of Remembrance.

S. 2009

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2009, a bill to prohibit the sale of arms to Bahrain.

S. 2042

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2089

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2089, a bill to provide for investment in clean energy, to empower and protect consumers, to modernize energy infrastructure, to cut pollution and waste, to invest in research and development, and for other purposes.

S. 2145

At the request of Mr. GRAHAM, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2145, a bill to make supplemental appropriations for fiscal year 2016.

S. 2148

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2148, a bill to amend title XVIII of the Social Security Act to prevent an increase in the Medicare part B premium and deductible in 2016.

S. 2152

At the request of Mr. CORKER, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2152, a bill to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

S. 2166

At the request of Mr. BLUNT, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2166, a bill to amend part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care.

S. 2184

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. 2184, a bill to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

AMENDMENT NO. 2621

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 2621 proposed to S. 754, an original bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

AMENDMENT NO. 2716

At the request of Mr. BURR, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2716 proposed to S. 754, an original bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, and Mr. MARKEY):

S. 2210. A bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUMENTHAL. Mr. President, in 2013, the VA estimated that about 1.5 million veterans required mental health services, which VA provides in a variety of settings. In addition to the traditional VA medical centers, veterans may access mental health services and support through Vet Centers—which often appeal to veterans because of their welcoming, home-like environment; Community Based Outpatient Clinics, which play an important role in telehealth delivery by connecting rural veterans to psychiatry services from the medical center home-base, a Veterans Crisis Line, VA staff on college and university campuses, and other outreach efforts. Another important means of delivering mental health services has been the inclusion of mental health professionals within primary care delivery through VA's Patient Aligned Care Teams, which improves the screening process and allows providers to recognize and treat mental health issues occurring among those veterans who present in their primary care locations.

In addition to providing ongoing care to veterans with mental health needs, VA plays a role in suicide risk assessment and prevention among veterans. According to VA, about one-quarter of the 18 to 22 veterans who die by suicide each day were receiving care through VA. Suicide rates are even higher among those veterans who do not use VA for the health care services. Given the stigma and reluctance of some veterans to seek mental health treatment, veterans using VA for primary care may be missing a key entry point to the peer support model of care. Expanding this effective model into the primary care setting could provide another opportunity for veterans to access mental health services through VA. That is why, today, I am introducing—with my cosponsors Senators BALDWIN and MARKEY—the Veteran Partners' Efforts to Enhance Reintegration, Veteran PEER Act, a bill that would expand the peer support model of care for mental health services within the VA system to help ensure that veterans receive the effective and timely care they deserve.

VA has begun a program to co-locate mental health care providers within primary care settings in an effort to promote effective treatment of common mental health conditions in the primary care environment. This is a positive step; however, the peer support model of care for mental health services has not been similarly integrated. Research on the use of the peer support model of care for mental health services within the VA has shown that Peer Specialists helped patients become more active in treatment, which can promote recovery. Peer support was recognized by the Centers for Medicare and Medicaid Services as an evidence-based practice in 2007; and over 20 states have Medicaid reimbursement for peer support services. In response to the President's August 2014 Executive Orders to improve mental health services for veterans, VA committed to integrating and expanding the peer support model of care beyond traditional mental health settings into primary care clinics in order to better connect with veterans wherever they seek care. However, progress toward placing Peer Specialists in primary care teams has been slow.

The Veteran PEER bill would require VA to expand its use of Peer Specialists—VA employees who promote veterans' recovery by sharing their own recovery stories, providing encouragement, and teaching skills needed for successful recovery. These professionals may also provide case management assistance, help with accessing the right mental health care, and teach coping and self-advocacy skills. In general, peer support programs aim to develop veterans' self-management skills and restore participation in work and other social roles. Recognizing this effective model of care, this bill would require VA to establish Peer Specialists in Patient Aligned Care Teams within VA medical centers to promote the use and integration of mental health services into the primary care setting. Over a two year period, the program would be carried out in 25 locations.

The bill directs VA to take into consideration the needs of female veterans when establishing peer support programs, ensure that female Peer Specialists are made available to veterans through the program, and consider rural and underserved areas when selecting program locations. VA would be required to regularly report to Congress on the progress of the program including on its benefits to veterans and their family members and data on the gender of clients served by the program. Given that VA is one of the largest employers of Peer Specialists, VA's regular reporting on the program would not only allow Congress to conduct appropriate oversite of the activities, but could also provide important insights for the wider peer support community.

Given the pressing need for mental health services, it is imperative that we equip VA with the resources and organizational structure it needs to care for veterans who access these services and to find ways to reach more veterans with effective mental health services when they need them. Expanding the peer support model into the primary care setting could provide another opportunity for veterans to access mental health services through VA. As a nation we have asked more of these individuals than most of us can comprehend. We must now honor the promise we made as a nation—to take care of those who have taken care of us.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veteran Partners' Efforts to Enhance Reintegration Act'' or the ''Veteran PEER Act''.

SEC. 2. PROGRAM ON ESTABLISHMENT OF PEER SPECIALISTS IN PATIENT ALIGNED CARE TEAM SETTINGS WITHIN MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs to promote the use and integration of mental health services in a primary care setting.

(b) TIMEFRAME FOR ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out the program at medical centers of the Department as follows:

(1) Not later than 180 days after the date of the enactment of this Act, at not fewer than ten medical centers of the Department.

(2) Not later than two years after the date of the enactment of this Act, at not fewer than 25 medical centers of the Department.

(c) SELECTION OF LOCATIONS.—

(1) IN GENERAL.—The Secretary shall select medical centers for the program as follows:

(A) Not fewer than five shall be medical centers of the Department that are designated by the Secretary as polytrauma centers.

(B) Not fewer than ten shall be medical centers of the Department that are not designated by the Secretary as polytrauma centers.

(2) CONSIDERATIONS.—In selecting medical centers for the program under paragraph (1), the Secretary shall consider the feasibility and advisability of selecting medical centers in the following areas:

(A) Rural areas and other areas that are underserved by the Department.

(B) Areas that are not in close proximity to an active duty military installation.

(C) Areas representing different geographic locations, such as census tracts established by the Bureau of the Census.

(d) GENDER-SPECIFIC SERVICES.—In carrying out the program at each location selected under subsection (c), the Secretary shall ensure that—

(1) the needs of female veterans are specifically considered and addressed; and

(2) female peer specialists are included in the program.

(e) REPORTS.—

(1) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter until the Secretary determines that the program is being carried out at the last location to be selected under subsection (c), the Secretary shall submit to Congress a report on the program.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) The findings and conclusions of the Secretary with respect to the program during the 180-day period preceding the submittal of the report.

(ii) An assessment of the benefits of the program to veterans and family members of veterans during the 180-day period preceding the submittal of the report.

(2) FINAL REPORT.—Not later than 180 days after the Secretary determines that the program is being carried out at the last location to be selected under subsection (c), the Secretary shall submit to Congress a report detailing the recommendations of the Secretary as to the feasibility and advisability of expanding the program to additional locations.

Chicago, IL, October 14, 2015.

Hon. RICHARD BLUMENTHAL,
U.S. Senate,
Washington, DC.

DEAR SENATOR BLUMENTHAL: On behalf of the Depression and Bipolar Support Alliance (DBSA), it is with great pleasure that I endorse the Veteran Partners' Efforts to Enhance Re-integration (PEER) Act. This bill addresses a critically important gap within the U.S. Department of Veterans Affairs (VA) that inhibits access to behavioral health services. We look forward to working with you to improve veterans' access to care.

Since 2013, the VA has effectively used peer support specialists to enhance behavioral health care delivered to veterans in behavioral health settings. Yet, a majority of veterans in need of behavioral health care will enter the VA system through a primary care center. To help create the necessary connection from primary care to behavioral health services, the PEER Act will utilize behavioral health peer support specialists to assist veterans in various primary care settings.

Specifically, the bill will require the VA to establish a pilot program to assess the feasibility and advisability of establishing peer support specialists in Patient Aligned Care Teams within VA medical centers to promote the use and integration of mental health services into the primary care setting. DBSA strongly supports the requirement that VA medical centers give special consideration to the needs of female veterans when designing the pilot programs and ensure that female peer support specialists are available in each of the pilot locations. We also welcome the collection and reporting of data that will provided to Congress every six months from the pilot. The VA utilizes the largest number of peer support specialists in the nation. As such, this data will help improve the role of the peer support specialists within the VA and throughout America's entire health care system.

As the leading peer-led organization supporting individuals with mood disorders and their families, DBSA understands the importance of peer support for individuals with a behavioral health condition. We feel strongly that expanded use of peer specialists within the VA will increase veteran engagement in their care, and lead to better outcomes and sustained wellness. We applaud you for leading this new effort and stand ready to support the VA as it implements this pilot program.

Sincerely,

ALLEN DOEDERLEIN,
President,
Depression and Bipolar Support Alliance.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, October 26, 2015.

Hon. RICHARD BLUMENTHAL,
U.S. Senate,
Washington, DC.

DEAR SENATOR BLUMENTHAL: On behalf of the National Alliance on Mental Illness (NAMI), I am writing to offer our strong support for your proposed legislation, the Veteran Partners' Efforts to Enhance Re-Integration (PEER) Act. As the nation's largest organization representing people living with serious mental illness and their families, NAMI is pleased to support this important legislation.

As you know, the Department of Veterans Affairs (VA) currently uses Peer Specialists to assist veterans living with mental illness. These Peer Specialists do a tremendous job in helping veterans' access mental health services and navigate the complicated VA health care system. Every day they promote recovery through development of self-management skills and assistance in moving toward employment and community integration.

Your PEER bill would direct the VA to establish a pilot program to assess the feasibility of ''going to scale'' in the VA with a peer support program built on Patient Aligned Care Teams within VA medical centers across the nation. This would be a major step forward in promoting integration of mental health services into primary care settings. Your bill would also direct the VA to specifically take into consideration the needs of female veterans when designing pilot programs and to ensure that female peer support specialists are available in each of the pilot locations.

NAMI strongly supports this effort to expand access to peer specialists in the VA. Thank you for bringing this important legislation forward. NAMI looks forward to working with you to ensure its swift passage.

Sincerely,

MARY GILIBERTI.

MILITARY OFFICERS ASSOCIATION OF AMERICA
Alexandria, VA, October 26, 2015.

Hon. RICHARD BLUMENTHAL,
Ranking Member, Committee on Veterans Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR BLUMENTHAL: On behalf of the more than 390,000 members of the Military Officers Association of America

(MOAA), I'm writing to thank you for sponsoring the ''Veteran Partners Efforts to Enhance Reintegration (PEER) Act,'' a bill that would establish a two-year pilot program that requires the Department of Veterans Affairs to establish peer specialists in patient aligned care teams at 25 medical center locations.

MOAA has long supported peer support programs as a means to enhance delivery of health care services. By extending VA's existing mental health peer support model into the primary care setting helps to further reduce barriers in accessing mental health services while also supporting the Department's current efforts at integrating mental-physical health care concurrently to increase system capacity.

All veterans deserve access to mental health care when they need it and wherever they may live. As such, we are particularly grateful for special consideration in this legislation for female veterans and those living in rural or underserved areas.

I greatly appreciate your leadership and look forward to the passage of this timely legislation.

Sincerely,

NORBERT RYAN, Jr.,
President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
October 23, 2015.

Hon. RICHARD BLUMENTHAL,
Ranking Member, Senate Committee on Veterans' Affairs, Washington, DC.

DEAR RANKING MEMBER BLUMENTHAL: On behalf of the American Public Health Association, a diverse community of public health professionals who champion the health of all people and communities, I write in support of the Veteran Partners' Efforts to Enhance Reintegration Act, which would require the inclusion of peer support specialists in Patient Aligned Care Teams within medical centers at the Department of Veterans Affairs.

Rates of mental illness are disproportionately high among U.S. veterans, particularly posttraumatic stress disorder, substance abuse disorders, depression, anxiety and military sexual trauma. Nearly 50 percent of combat veterans from Iraq report that they have suffered from PTSD, and close to 40 percent of these same veterans report problem alcohol use. In 2010, about 22 veterans died each day as a result of suicide. Military culture promotes inner strength, self-reliance and the ability to shake off injury, which may contribute to stigma surrounding mental health issues. Stigma may create a reluctance to seek help and a fear of negative social consequences, and is the most often cited reason for why people to do not seek counseling or other mental health services.

Through a peer support model of care, Peer Specialists—veterans who have recovered or are recovering from a mental health condition—provide veterans with assistance in accessing mental health services, navigating the health care system and skills needed for a successful recovery. Expanding the peer support model to the primary care setting may offer a key entry point for those reluctant to access mental health services. The bill would also direct the VA to take into consideration the needs of female veterans and locations that are underserved.

Thank you for your commitment to the health and wellbeing of U.S. veterans and to improving access to mental health services within the VA.

Sincerely,

GEORGES C. BENJAMIN, MD,
Executive Director.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2749. Mr. BURR (for himself and Mrs. FEINSTEIN) proposed an amendment to amendment SA 2716 proposed by Mr. BURR (for himself and Mrs. FEINSTEIN) to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

TEXT OF AMENDMENTS

SA 2749. Mr. BURR (for himself and Mrs. FEINSTEIN) proposed an amendment to amendment SA 2716 proposed by Mr. BURR (for himself and Mrs. FEINSTEIN) to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; as follows:

On page 11, line 3, strike ''period'' and insert ''periodic''.

On page 11, line 10, strike ''532'' and insert ''632''.

On page 20, line 21, strike ''measures'' and insert ''measure''.

On page 56, line 8, strike ''and'' and all that follows through ''(7)'' on line 9 and insert the following:

(7) the term ''national security system'' has the meaning given the term in section 11103 of title 40, United States Code; and

(8)

On page 57, line 8, strike ''and''.

On page 57, line 11, strike the period at the end and insert ''; and''.

On page 57, between lines 11 and 12, insert the following:

''(4) the term 'national security system' has the meaning given the term in section 11103 of title 40, United States Code.

On page 64, lines 14 and 15, strike ''Notwithstanding section 202, in this subsection'' and insert ''In this subsection only''.

On page 69, line 13, strike ''all taken'' and insert ''taken all''.

On page 76, line 22, insert ''and the Director of the Office of Management and Budget'' after ''Intelligence''.

On page 77, lines 12 and 13, strike '', as defined in section 11103 of title 40, United States Code''.

On page 77, line 14, insert ''and the Director of the Office of Management and Budget'' after ''Intelligence''.

On page 78, between lines 2 and 3, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to designate an information system as a national security system.

On page 78, line 18, strike ''owned'' and insert ''used''.

Beginning on page 80, line 25, strike ''use'' and all that follows through ''other'' on page 81, line 6, and insert ''intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002 for the purpose of ensuring the security of''.

On page 84, line 25, strike ''Act'' and insert ''Act of 2015''.

On page 85, between lines 11 and 12, insert the following:

(D) the Committee on Commerce, Science, and Transportation of the Senate;

On page 86, line 26, insert ''the Director of the National Institute of Standards and Technology and'' after ''coordination with''.

On page 88, line 8, strike ''non-civilian'' and insert ''noncivilian''.

On page 89, line 23, insert '', the Director of the National Institute of Standards and Technology,'' after ''Director''.

On page 91, line 11, strike ''203 and 204'' and insert ''303 and 304''.

On page 91, line 21, insert '', in consultation with the Director of the National Institute of Standards and Technology,'' after ''Security''.

On page 92, line 9, insert '', in consultation with the Director of the National Institute of Standards and Technology,'' after ''Secretary''.

On page 96, line 19, strike ''likely,'' and insert ''likely''.

On page 96, line 22, strike ''present'' and insert ''present,''.

Beginning on page 103, strike line 10 and all that follows through page 105, line 24, and insert the following:

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Secretary of Homeland Security, shall convene health care industry stakeholders, cybersecurity experts, and any Federal agencies or entities the Secretary determines appropriate to establish a task force to—

(A) analyze how industries, other than the health care industry, have implemented strategies and safeguards for addressing cybersecurity threats within their respective industries;

(B) analyze challenges and barriers private entities (notwithstanding section 102(15)(B), excluding any State, tribal, or local government) in the health care industry face securing themselves against cyber attacks;

(C) review challenges that covered entities and business associates face in securing networked medical devices and other software or systems that connect to an electronic health record;

(D) provide the Secretary with information to disseminate to health care industry stakeholders for purposes of improving their preparedness for, and response to, cybersecurity threats affecting the health care industry;

(E) establish a plan for creating a single system for the Federal Government to share information on actionable intelligence regarding cybersecurity threats to the health care industry in near real time, requiring no fee to the recipients of such information, including which Federal agency or other entity may be best suited to be the central conduit to facilitate the sharing of such information; and

(F) report to Congress on the findings and recommendations of the task force regarding carrying out subparagraphs (A) through (E).

(2) TERMINATION.—The task force established under this subsection shall terminate on the date that is 1 year after the date of enactment of this Act.

(3) DISSEMINATION.—Not later than 60 days after the termination of the task force established under this subsection, the Secretary shall disseminate the information described in paragraph (1)(D) to health care industry stakeholders in accordance with such paragraph.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the antitrust exemption under section 104(e) or the protection from liability under section 106.

(e) CYBERSECURITY FRAMEWORK.—

(1) IN GENERAL.—The Secretary shall establish, through a collaborative process with the Secretary of Homeland Security, health care industry stakeholders, the National Institute of Standards and Technology, and any Federal agency or entity the Secretary determines appropriate, a single, voluntary, national health-specific cybersecurity framework that—

(A) establishes a common set of voluntary, consensus-based, and industry-led standards, security practices, guidelines, methodologies, procedures, and processes that serve as

a resource for cost-effectively reducing cybersecurity risks for a range of health care organizations;

(B) supports voluntary adoption and implementation efforts to improve safeguards to address cybersecurity threats;

(C) is consistent with the security and privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and with the Health Information Technology for Economic and Clinical Health Act (title XIII of division A, and title IV of division B, of Public Law 111–5), and the amendments made by such Act; and

(D) is updated on a regular basis and applicable to the range of health care organizations described in subparagraph (A).

(2) LIMITATION.—Nothing in this subsection shall be interpreted as granting the Secretary authority to—

(A) provide for audits to ensure that health care organizations are in compliance with the voluntary framework under this subsection; or

(B) mandate, direct, or condition the award of any Federal grant, contract, or purchase on compliance with such voluntary framework.

(3) NO LIABILITY FOR NONPARTICIPATION.—Nothing in this title shall be construed to subject a health care organization to liability for choosing not to engage in the voluntary activities authorized under this subsection.

On page 107, line 10, strike ''shall each'' and insert ''shall''.

On page 107, lines 11 and 12, strike ''each Comptroller General of the United States and''.

On page 110, strikes lines 6 through 16.

On page 111, lines 8 and 9, strike ''under subsection (b)'' and insert ''pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security''.

On page 111, strike lines 22 through 24 and insert the following:

Resources of the Senate;

(F) the Committee on Energy and Commerce of the House of Representatives; and

(G) the Committee on Commerce, Science, and Transportation of the Senate.

On page 112, line 3, add a period at the end.

On page 112, strike lines 4 through 10.

On page 113, line 14, strike ''intrusion''.

Beginning on page 114, strike line 7 and all that follows through page 115, line 9.

On page 115, after line 9, add the following:

SEC. 408. STOPPING THE FRAUDULENT SALE OF FINANCIAL INFORMATION OF PEOPLE OF THE UNITED STATES.

Section 1029(h) of title 18, United States Code, is amended by striking ''title if—'' and all that follows through ''therefrom.'' and inserting ''title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 27, 2015, 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 27, 2015, at 4 p.m., in room S–207 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 27, 2015, at 9 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 27, 2015, at 9 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Internal Revenue Service's Response to Committee Recommendations Contained in its August 5, 2015 Report.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 27, 2015, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUNT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2015, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Jeremy Kuester, a fellow in my office, be granted privileges of the floor for the remainder of the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, OCTOBER 28, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, October 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Wednesday, October 28, 2015, at 10 a.m.

EXTENSIONS OF REMARKS

RESEARCH EXCELLENCE AND ADVANCEMENTS FOR DYSLEXIA ACT

SPEECH OF

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2015

Ms. EDWARDS. Mr. Speaker, I wish to join my colleagues in support of H.R. 3033, the Research Excellence and Advancements for Dyslexia—or READ—Act.

The READ Act directs the NSF to devote funding to support dyslexia research, and to look at that research with an eye to its practical application. This will include early identification and intervention for children with dyslexia, guidance and professional development for teachers on working with students with dyslexia, and the development of educational tools and curricula which aid those with dyslexia.

Mr. Speaker, dyslexia is the most common learning disability in America, with an estimated 1 in 6 individuals potentially suffering from some form of dyslexia. Unfortunately, many people go undiagnosed, or are diagnosed but do not have access to the resources or alternative learning methods that could help them. I remember how much effort it took just to get the school system to recognize that my son should get tested for dyslexia, not to mention getting him the interventions and tools that he needed in order to be a successful student.

We need to encourage the scientific research around dyslexia, especially as it relates to early identification and early intervention.

I encourage all of my fellow Members of Congress to support this bill.

IN HONOR OF MICHAEL GUARDINO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Michael Guardino, head of Carmel High School's science department, Carmel-by-the-Sea, CA. One would be hard-pressed to find a teacher more devoted to the art of education than Mr. Guardino.

A lifetime lover of knowledge, Mr. Guardino believes that every student deserves an uncompromised understanding of the fundamental sciences, creating a classroom atmosphere known both for its incredible rigor and rewards. Each morning, he arrives before the crack of dawn, preparing fascinating demos and labs to truly engage his students. Nobody can escape his notoriously difficult AP Chemistry course without a firm comprehension and appreciation for the chemical world, even if he has to blow stuff up—in the name of science—to get his students' attention. Every day, his students are challenged in new ways to approach unfamiliar problems and create solutions based on scientific processes. Whether it is titration, qualitative analysis, spectrophotometry, or chromatography, he finds a way to make each laboratory experiment challenging and captivating.

Away from the classroom, Mr. Guardino demonstrates his passion for SCUBA by acting as a volunteer diver at the Monterey Bay Aquarium for over 30 years, teaching the ecology and chemistry of kelp forests from inside the aquarium's massive tanks. Granting his students an incredible opportunity, he arranged a tour of Ed Ricketts' lab, part of the inspiration for "Cannery Row". This allowed them to hear rich first-hand experiences of Steinbeck and "Doc" recounted by the 96-year-old Frank Wright.

Mr. Guardino cares deeply for each of his students, giving his best efforts to teach and expecting their best efforts to learn. Giving untold hours of his personal time, Mr. Guardino personally helped Ethan Miller—a student bedridden for months due to a severe illness—learn the massive amounts of chemistry covered during his absence from school. Coming to school over the weekends and even on Thanksgiving, he ensured that Ethan understood the material. His tireless work paid off: Ethan completed AP Chemistry with an A both semesters and scored highly on the AP exam, earning college credit.

Mr. Speaker, I'm sure the House joins me in thanking Mr. Guardino for his dedication to his profession and to his students.

40TH ANNUAL LABOR AND COMMUNITY AWARDS RECEPTION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate several of Northwest Indiana's finest citizens. The Northwest Indiana Federation of Labor American Federation of Labor–Congress of Industrial Organizations (AFL–CIO) will be recognizing several individuals and organizations for their dedication and service during the 40th Annual Labor and Community Awards Reception, which will be held at Wicker Park in Highland, Indiana, on Wednesday, October 28, 2015. These individuals, in addition to all Northwest Indiana Federation of Labor members who have served Northwest Indiana so diligently for such a long period of time, are the epitome of the ideal American worker: loyal, dedicated, and hardworking.

At this year's event, several individuals and organizations will receive special recognition. John T. Coli, International Brotherhood of Teamsters Joint Council 25, and Harvey Jackson, International Brotherhood of Teamsters Local 142, are the recipients of the Service to Labor Award for their many years of service to the labor movement and their outstanding dedication to their fellow union members. The Union Label Award will be presented to Jeff Manes, a freelance reporter and member of National Writers Union 1981 and United Auto Workers, for his unselfish devotion to the labor movement through its promotion in all areas: social, civic, educational, and political.

The National Association of Letter Carriers will be honored with the Community Services Award for its exemplary service to the community and to the enhancement of the quality of life for the people of Northwest Indiana. Elizabeth "Betty" Quinn, American Federation of Teachers Indiana, will be honored with the Lifetime Achievement Award for her many years of labor activism and her commitment to her community. For the exceptional service she has provided to the people of Northwest Indiana, she is worthy of our admiration and respect. Dave Danko, President, United Steel Workers 7–1 (BP Refinery), is this year's recipient of the President's Award. Mr. Danko is being honored for enhancing the well-being of workers throughout Northwest Indiana through countless contributions to further the philosophy of the labor movement.

Harold Sitz, Ironworkers Local 1, Randy Palmateer, Business Manager, Northwest Indiana Building and Construction Trades Council, and Dan Murchek, President, Northwest Indiana Federation of Labor AFL–CIO, and President, Lake County Police Association Local 72, Lake County Federation of Police Local 12, will be presented with the George Meany Award for their significant contributions to the youth of their communities through their involvement with the Boy Scouts of America.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These honorees are all outstanding examples of these qualities. They have demonstrated their loyalty to their unions and the Northwest Indiana community through their hard work and tireless service.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and exemplary citizens, as well as all of the hardworking union men and women throughout America. They have shown commitment and courage toward their pursuits, and I am proud to represent them in Washington, D.C.

HONORING THE MEMORY OF LT. GEORGE WHITMORE

HON. SCOTT DesJARLAIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. DESJARLAIS. Mr. Speaker, I rise today to honor the memory of a courageous American and a proud son of Tennessee, Lt. George Whitmore.

George Whitmore, of Shelbyville, Tennessee, enlisted in the Army on September 10, 1935 when he was sixteen years old, two

years before he was eligible under Army enlistment rules. On May 6, 1937, Whitmore was promoted to Corporal and later to Sergeant. For the next few years he served in the National Guard and until February 24, 1941, when he was called up to Active Federal Service.

After completing Officer Candidacy School in Ft. Benning, GA, Whitmore was commissioned as a 2nd Lieutenant and entered the Army Ranger Combat Training program. After completing Ranger Training, Lt. Whitmore took part in the invasion of Normandy, where he bravely fought on Utah Beach.

He served on the front lines of Europe bravely defending his country, leading platoons of soldiers throughout the Normandy and Rhineland campaigns. On July 15, 1944, Lt. Whitmore was wounded in combat by an enemy artillery shell in northern France while pressing an attack against the German front.

During his 18 years of service to our country Lt. Whitmore received several service honors, including the Purple Heart Medal, the Combat Infantryman Badge and two Bronze Service Stars, among many others.

In August of 2008, Lt. Whitmore returned to Tennessee to make his home in Normandy, TN, where he resided with his wife of 74 years, and his youngest daughter and son-in-law until his passing on October 9, 2015, at the age of 96.

To the family of Lt. Whitmore, we are sincerely grateful for his service. George truly exemplified the spirit of ''the Greatest Generation.''

H.R. 3762, GOP RECONCILIATION ACT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. CASTOR of Florida. Mr. Speaker, on October 23, 2015, I was unable to be here to vote on H.R. 3762 (Roll Call 568), the GOP Reconciliation Act. Had I been present, I would have voted no on H.R. 3762. I have voted against this bill twice, once in the Energy & Commerce Committee and again in the Budget Committee. I was unable to make the vote because I was back in my district to attend a meeting with Secretary of Education Arne Duncan, parents, students and teachers to work directly on a huge challenge of improving schools in that community that are failing our children.

Below are the statements I made during the Energy & Commerce Committee and Budget Committee markups of H.R. 3762.

BUDGET COMMITTEE

''This is creating great economic uncertainty. Back home, I represent a district with an Air Force base that is home to U.S. Central Command and Special Operations Command. They are beside themselves about the inability of the Congress to move forward with a reasonable budget plan. It is now complicating the military missions of our country. They don't want another CR. That is a dead end. They don't want an OCO gimmick that doesn't serve our country well. They want those monies in the base defense budget, and have spoken out loudly.

And then on the domestic side our medical researchers, transportation, infrastructure, all of those important jobs that help lift America are also being undercut by the uncertainty created here in the Congress.

Now, I am very happy this is being done in an open setting today, because it really lays bare the priorities of the two parties here in Congress. The Democratic priority is to address the budget uncertainty, come together, work out a plan to move forward and avoid the government shutdown. The Republican priority, however, is to continue to attack women's health care and intimidate Planned Parenthood nonprofit clinics and the women that go there for their health services. This witch hunt continues, and it is not serving the interests of our great country. It is beneath the dignity of this Congress, because what is going to happen when we come back after next week? There is a new Benghazi-like select committee to continue this witch hunt.

I mean, this is really an all-time low. There has been an attack on women's health now for decades, but now the all-time low is what happened this summer with these manufactured YouTube videos now becoming the basis of public policy in America while all the investigations done here in the Congress and in States across the country have demonstrated no wrongdoing whatsoever. So we are going to waste taxpayer funds and important time on this witch hunt? I think it is very unfortunate.

You know, the approval ratings of Congress are at an all-time low, and I have to say, this demonstrates why that is, because it is Congress and the governing—so called governing party, is not focused on the priorities for our great country, instead, focused on intimidating women and trusted clinics across the country. I urge a no vote on this and the reconciliation package. Thank you.''

ENERGY & COMMERCE COMMITTEE

''Well, thank you, Mr. Chairman, and I have to say, the Republican majority has really taken us back in a time warp today. It feels like we are probably back in the 1950s. The first half of the hearing was on energy policy, was very anti-science. It was practically the world is flat. They refused to address the changing climate, and the challenges that poses for our country and our communities, refused to modernize America's energy policy by unleashing innovation to benefit consumers and businesses all across America. But now the GOP majority wants to restrict contraceptives, and family planning services. This is decades old in—and it is another unconscionable attack on women's health and Planned Parenthood.

And I wanted to pose a question, which is doing more today in America to reduce the number of unplanned pregnancies. Certainly not the Republicans in Congress, who continue to vote to block access to contraceptives, and family planning, as they are . . . . . No, it is Planned Parenthood that is doing more to reduce the number of unplanned pregnancies in America.

Now, although the GOP attacks on women's health have gone on for years here in the Congress, we recently hit a new low this summer, when a shady group, that is actually under criminal investigation, helped launch a broad-based smear campaign against Planned Parenthood. To date, all of the investigations that have been launched have turned up there is no evidence to substantiate the allegations that Planned Parenthood, or any of its affiliates, violated the law, including an investigation by this very Committee.

Actually, what the evidence has turned up so far is that Mr. Dunliden, and his organization that doctored the YouTube videos, misrepresented itself to gain access to medical conferences and Planned Parenthood facilities. They should be the ones that are under investigation and brought to account. The investigations out there so far have showed that the videos are selectively edited, they repeatedly omit exculpatory statements about compliance with the law. We simply cannot allow Republicans in Congress to use these falsified videos to continue their extremist agenda against women and deny women access to comprehensive healthcare.

You know, this is the House of Representatives, and the population of the United States of America is a little more female, about 50—a little over 50 percent. But here in the Congress, you all know what the percentage is. It is under 20 percent female. Well, it certainly shows. I will urge my colleagues to defeat this attempt, again, to paint another chapter in the radical agenda against women's health. . . . I hope you have read the legislation that will be considered today, because what it will do is eliminate access to contraceptives and family planning. If my Republican colleagues truly believe that there should be family planning services, and contraceptives allowed to women and families across America, they should vote no on this radical idea, and this idea of reconciliation today. I will yield back the balance of my time.''

Again, if I was present for the vote today on H.R. 3762, I would have voted no.

THE GLOBAL CRISIS OF RELIGIOUS FREEDOM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. SMITH of New Jersey. Mr. Speaker, the world is experiencing a crisis of international religious freedom that poses a direct challenge to U.S. interests in the Middle East, Central and East Asia, Russia, China, and sub-Saharan Africa. In large parts of the world, this fundamental freedom is constantly and brutally under siege. The worldwide erosion of respect for this fundamental freedom is the cause of widespread human suffering, grave injustices, refugee flows, and significant threats to peace and stability.

This Congress has heard the cries of Iraqi and Syrian Christians who face the threat of extinction, slavery, and death. We have heard about the plight of Rohingya Muslims, who face attacks and such unimaginable discrimination from hard-line Buddhist groups that many chose slavery elsewhere than life in Burma. We have heard about the persecution faced by Chinese Christians, Tibetan Buddhists, Uyghur Muslims, and Falun Gong at the hands of a Communist Party suspicious of organized religion. And, many of us on this subcommittee have seen firsthand the religious dividing lines in sub-Saharan Africa that are the cause of so much death and destruction.

In a world where some people are willing to kill those whose beliefs differ from theirs, where anti-Semitism persists even in the most tolerant of places, and where authoritarian governments view strong religious faith as a potential threat to their legitimacy, it is more important than ever that the U.S. engage in robust religious freedom diplomacy. One that uses all the tools available is the landmark International Religious Freedom Act of 1998.

The stakes are too high and the suffering too great to downplay religious freedom as a

priority of U.S. foreign policy. But unfortunately, we often hear from religious groups globally and from NGOs working on the issue that this Administration has sidelined the promotion of religious freedom.

This criticism does not discount the work done by our men and women at the State Department and the efforts of Ambassador Saperstein himself. They do important and substantive work, but it seems too often that the issue is marginalized and isolated from issues of national security or economic development—even though we know from academic research that countries with the highest levels of religious freedom experience more prosperity and less terrorism.

Religious persecution has catastrophic consequences for religious communities and for individual victims. But it also undermines the national security of the United States. Without religious freedom, aspiring democracies will continue to face instability. Sustained economic growth will be more difficult to achieve. Obstructions will remain to the advancement of the rights of women and girls. And, perhaps most urgent of all, religious terrorism will continue to be nourished and exported.

The global religious freedom crisis will not disappear anytime soon. According to the nonpartisan Pew Research Center, 75% of the world's populations live in countries where severe religious persecution occurs regularly.

It has been almost 17 years since the passage of the International Religious Freedom Act of 1998. Religious freedom diplomacy has developed under three administrations of both parties. Unfortunately, the grim global realities demonstrate that our nation has had little effect on the rise of persecution and the decline of religious freedom.

It is worth asking why.

It is worth asking not only what the State Department is doing, but what can be done better? Are new tools or new ideas needed to help U.S. religious freedom diplomacy address one of the great crises of the 21st century? Does the International Religious Freedom Act of 1998 need to be upgraded to reflect 21st century realities?

That is why I introduced the Frank Wolf International Religious Freedom Act of 2015 (H.R. 1150). This legislation, named after the author of the original IRFA Act, my good friend former Congressman Frank Wolf, would, among other things, strengthen the role of the Ambassador-at-Large for Religious Freedom and the IRF office at State and give more tools to the Administration to address the crisis we face. The bill is roundly endorsed and supported by a broad, diverse array of religious freedom, civil society and diaspora organizations. They acknowledge what too many policymakers and administrations, Republican and Democrat alike, have been unable to appreciate—America's first freedom ought to be infused, at every possible level, into our foreign policy.

Upgrading and strengthening U.S. international religious freedom policy—and further integrating it into U.S. foreign policy and national security strategy—will send the clear message that the U.S. will fight for the inherent dignity of every human being and against the global problem of persecution, religious extremism, and terrorism. In so doing, we can advance the best of our values while protecting vital national interests.

HONORING THE LIFE OF JOHN M. FAMULARO

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. BARR. Mr. Speaker, I rise to honor the life of a very special man, John M. Famularo of Lexington, Kentucky. Famularo spent most of his life in the legal profession and over the years earned a stellar reputation among his fellow attorneys and all that knew him.

Famularo was raised in Mt. Olivet, Kentucky. He came from a family of legal minds, with his father serving as county attorney, district judge, and circuit judge and his brother serving as U.S. Attorney. Famularo graduated from Loyola University and the University of Kentucky College of Law. Two years after graduation from law school, he successfully argued a boundary dispute case before the U.S. Supreme Court. He began serving as an assistant commonwealth attorney for Fayette County in the 1970s. Much of his career was spent as a partner with the Stites and Harbison law firm in Lexington, where his practice focused on product liability, class-action defense, and medical malpractice defense. He also served as Chief Judge of the 22nd Judicial District in Fayette County. Famularo was well respected for his great legal mind.

Mr. Famularo was special to me personally. As a young lawyer, he was my first mentor. Many attorneys, including me, owe our success to the selfless interest he took in our professional development. He was a great lawyer, a fierce advocate for his clients, a dedicated officer of the court, and the best litigator I have ever seen.

Mr. Famularo became a regent and state chairman of the American College of Trial Lawyers, served on the board of governors of the Kentucky Bar Association, and was inducted into the University of Kentucky College of Law Hall of Fame. He passed away on October 23, 2015. He is survived by his wife Karen, three children, and three grandchildren. The legal community and all those associated with John M. Famularo mourn his passing and honor his legacy.

25TH ANNIVERSARY OF THE WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR HISPANICS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this year marks the 25th Anniversary of the White House Initiative on Educational Excellence for Hispanics. Since 1990, the initiative has played a critical role in advocating for and advancing policies that have helped our community grow.

While our work is not done, as we conclude Hispanic Heritage Month, it is important for us to celebrate our progress. Our nation's high school graduation rate is the highest in history, and the Latino dropout rate is half of what it was in 2000.

More importantly, however, we must recognize the work that remains and those committed to doing it. Earlier this year, the Department of Education issued a national call for commitments to action for Hispanics in education. The initiative aimed to encourage private, public and nonprofit investments to create and/or expand high quality educational services. The results were astounding; 150 Commitments to Action with a collective investment of over $335 million.

Mr. Speaker, I rise today to highlight the commitment of an organization in my district, the Mariachi Music Education Initiative, who has committed nearly $900,000 over three years for music education.

It's commitments like this, and those of the other 149 organizations that will help our community prosper. Together, through the work and contributions of public, private and nonprofit organizations, we will continue working to close the achievement gap, and ensure every child in America has the tools and opportunity they need to succeed.

PERSONAL EXPLANATION

HON. MARK TAKAI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. TAKAI. Mr. Speaker, on Monday, October 26, 2015, I was absent from the House to attend to a personal health matter. Due to my absence, I am not recorded on any legislative measures for the day. I would like to reflect how I would have voted had I been present for legislative business.

Had I been present, I would have voted ''yea'' on Roll Call 569, providing for the consideration of the bill (H.R. 597) to reauthorize the Export-Import Bank of the United States, and for other purposes.

BOKO HARAM AND THE CHIBOK SCHOOLGIRLS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. SMITH of New Jersey. Mr. Speaker, the world was shocked as 276 schoolgirls from the northeastern Nigerian town of Chibok were kidnapped by the Islamic militant group Boko Haram. In the days following this event, we learned that the military had four hours' warning of the attack, but failed to mobilize sufficient forces to fight off the attackers, who arrived at this predominantly Christian town in a convoy of vehicles. A military redeployment to find the girls two weeks later resulted in the massacre of at least 300 residents of the town of Gamboru Ngala.

Since that time, the previous Nigerian Government made many announcements about freeing the kidnapped girls, none of which proved to be accurate. Hope had been raised last October by a government announcement of a cease-fire and release of the girls only to be dashed by increasing Boko Haram attacks and the continued captivity of the Chibok girls. In fact, Boko Haram kidnapped more girls in northeastern Nigeria, especially Christian girls.

President Muhamadu Buhari has said he won't make promises about freeing these captives that he can't guarantee, but I expect he will make every effort to free the Chibok girls, as well as the many others taken by Boko Haram.

I have met previously with young women who have escaped from Boko Haram, in Jos and Abuja, Nigeria, and here in the United States. They confirm the abuse of their sisters and mourn their loss as we do. I want to thank Emmanuel Ogebe for all his help in arranging these meetings and the programs allowing some of these young women to come to the United States for an education. An estimated 10,000 other Nigerian youth are prevented from being educated because of disruptions caused by Boko Haram.

My subcommittee has held several hearings on Boko Haram and convinced the administration to declare Boko Haram a Foreign Terrorist Organization, which they announced at our November 13, 2013, hearing.

I have since pressed the administration to use authorities under the FTO designation to investigate and identify for the Nigerian Government those who support Boko Haram. I also have worked to end the current roadblocks preventing U.S. counterterrorism training for Nigerian troops.

During the past year, social media worldwide has exploded with the "Bring Back Our Girls" campaign. I must compliment my colleague, Congresswoman FREDERICA WILSON, who has maintained her efforts to free the Chibok girls and all the others kidnapped by Boko Haram, while others have moved on to different issues.

I have worked with Congresswoman WILSON to update her House Resolution 147, which focuses on bringing to an end the violence unleashed by Boko Haram and bringing material aid to those harmed by their attacks. We also have joined in this legislation to press initiatives I mentioned earlier. I hope my subcommittee and our committee can move this legislation to the floor soon to give a boost to U.S. efforts to help Nigeria end the reign of terror by Boko Haram.

RECOGNIZING BROWNSTOWN ELECTRIC SUPPLY COMPANY

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. YOUNG of Indiana. Mr. Speaker, many Hoosier small businesses across my district power the economic engine of the state, while also playing a critical role in the civic life of their communities. Today it is my honor to highlight one such small business. Brownstown Electric Supply Company, based in Brownstown Indiana, is a privately owned electrical supply company that has provided utility companies with technical expertise and electrical supplies for over four decades.

Carl Shake founded Brownstown Electric Supply Company in 1970 after a long career in the electrical supply and utility service industry. Brownstown Electric has grown from a small business in Jackson County, Indiana to a regional company that has expanded its reach as far as Illinois, Kentucky, and Ohio. Brownstown Electric is now run by Carl's son in law, Greg Deck, who stewards the company with the same principles that have made Brownstown Electric a staple of Southern Indiana.

In addition to supplying electrical equipment and providing expertise in the field, Brownstown Electric is an active member of the local community. They sponsor local high school sports teams, participate in the Brownstown High School school-to-work program, and contribute to the Jackson County History Center of Indiana. Brownstown Electric also encourages their employees to get involved and volunteer in the community. This heart for service is exemplified in their organization of the Zach Pickard Pelican Run. The community-wide event is a 5K run/walk event dedicated to raising money to find a cure for Hutchinson-Gilford progeria syndrome. Employees of Brownstown Electric organized the fundraiser in honor of an employee's son who lives with the genetic condition.

Brownstown Electric Supply Company is emblematic of the Hoosier ethic. They are family-owned and operated, deliver quality products and service, and possess a strong commitment to improving the lives in the community.

It is an honor to represent a business like Brownstown Electric. I hope their exemplary business ethic serves to inspire other would-be entrepreneurs, and I am pleased to highlight their good work today in this installment of Indiana's 9th District Small Business Spotlight.

CONGRATULATING SHARON CONATSER

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to congratulate Sharon Conatser on being elected national president of the American Legion Auxiliary earlier this year. The American Legion Auxiliary is the nation's largest women's patriotic service organization, led by the national president who promotes the organization's mission advocating for veterans, educating citizens, mentoring youth, and promoting patriotism, good citizenship, peace, and security.

Mrs. Conatser grew up in Central Illinois and has been a lifetime member of the American Legion family. She first became involved through her father, a WWII and Korean War veteran. Her husband also served as the national commander of the American Legion, making her the first national president who was also a First Lady of the American Legion.

Mrs. Conatser is retired from the University of Illinois at Urbana–Champaign, where she worked for 25 years. She has held numerous leadership positions with the American Legion Auxiliary, and remains active in her church and her community, serving as an inspiring example of a dedicated public servant. I am proud of Mrs. Conatser's accomplishments and it is an honor to represent her in the 13th District of Illinois.

Mrs. Conatser will be a strong national leader for the American Legion Auxiliary and I wish her the best in serving our country's veterans, active duty military, their families, and their communities.

HONORING THE SERVICE OF DAVID DOWNEY

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. BARR. Mr. Speaker, I rise to honor a special man, David Downey, of Bourbon County, Kentucky. Mr. Downey, a part of the Greatest Generation, answered the call to serve during World War II and had a long military career. Today it is my honor to recognize him before the United States House of Representatives.

Mr. Downey was born in Bourbon County and graduated from Western High School. He was drafted into the United States Navy in 1944 and began his career in boot camp at Great Lakes, Illinois. He left the Navy after a year and a half of service, and quickly decided to return in 1946. He remained in the Navy until 1968. Mr. Downey served on a transport ship during World War II, Korea, and Vietnam. He also served on destroyers and served as a cook. During his service in Vietnam, he was honored to meet Roger Staubach, a Naval Academy graduate and Heisman trophy winner.

Following his retirement from the Navy in 1968, he returned home to Kentucky. He worked various jobs before taking a position as a bus driver for the Paris Independent School system. He spent the next twenty two years driving schoolchildren in Bourbon County.

Mr. Downey is an active member of the Seventh Street Christian Church where he serves as a deacon and sings in the Chariots of Fire choir. He loves to bowl and is an active member of a league. Downey and his late wife Nannette, were married for fifty three years. He has two girls and a boy.

The bravery of Mr. Downey and his fellow men and women of the United States Navy is heroic. Because of his courage and the courage of individuals from all across Kentucky and our great nation, our freedoms have been preserved for our generation and for future generations. He is truly an outstanding American, a patriot, and a hero to us all.

RECOGNIZING JEFF HUNT

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Jeff Hunt on being selected to serve as the new leader of Colorado Christian University's Centennial Institute. I commend his hard work and dedication to the community. Mr. Hunt's impressive career in public service has enriched the lives of so many.

Mr. Hunt's work in the public and private sector, coupled with his principled values, has proven to be invaluable. I am confident that his great spiritual and intellectual strength will make him an exceptional Director at the Centennial Institute.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes as he takes on this well-deserved position. It is truly an honor to celebrate his many accomplishments. Mr. Hunt's dedication to public service

and the religious community represents the essence of the Centennial Institute's mission.

Mr. Speaker, it is an honor to recognize Mr. Jeff Hunt for his service.

RECOGNIZING MANN PLUMBING/ MPI SOLAR

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. YOUNG of Indiana. Mr. Speaker, my home state of Indiana is a place where hard-work and innovation are rewarded. The spirit of entrepreneurship and innovation is a long held tradition of Indiana, and the work of Mann Plumbing is evidence that such tradition is alive and well. Today I am honored to highlight their small business and recognize their good work.

Mann Plumbing/MPI Solar is a full service plumbing and solar energy equipment company located in Bloomington, Indiana. The business was started by David Mann and originally began as a full service plumbing company in 1992. During the 2008 economic downturn the company embraced the situation as an opportunity to expand their business and product offerings into a new market. To do so they began offering solar products to customers. Mann Plumbing/MPI Solar is now a regional leader in this industry. Their big risk turned into a success story.

Mann Plumbing/MPI Solar provides their services to countless Indiana businesses, including: apartment houses, businesses, schools, and the Monroe County Government Building.

Mann Plumbing/MPI Solar's transition from a traditional plumbing shop to a full service plumbing and solar company during difficult economic times serves as a model for other businesses. David Mann and his team revitalized their business with new services and products that helped shepherd Mann Plumbing through a difficult economic period, and allowed them to expand and thrive.

Today, Mann Plumbing/MPI Solar offers a wide variety of products and services to their customers. Mann Plumbing/MPI Solar's success is possible in part, because of highly-trained and dedicated staff. Skilled, motivated workers form the backbone of the Hoosier workforce and remain the key to widespread, economic prosperity.

I am proud to represent Mann Plumbing/MPI Solar and hope their willingness to take risk and ability to adapt serves to inspire others. I am pleased to highlight their good work today in this installment of Indiana's 9th Congressional District Small Business Spotlight.

HONORING RUTH FRIENDLY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. ENGEL. Mr. Speaker, I rise today to honor a true leader in the Riverdale community, Ruth Friendly, who has been actively involved in several different neighborhood organizations for many years.

A former school teacher, Ruth was extensively involved in the curriculum development for the Scarsdale public school system before leaving the classroom in 1981 to join her husband, Fred Friendly, to work in media. Ruth served as a researcher, editor, producer, and executive producer for many landmark PBS series, and was an integral part of a team that received countless awards, including several for the series The Constitution: That Delicate Balance.

Ruth also produced over 200 non-televised programs for civic, legal, business, and educational organizations, often moderated by Fred. For 16 years, she served as Vice President and Senior Editorial Director at Fred Friendly Seminars.

Yet, in spite of her busy schedule, Ruth always found time to help the community. For the past eight years, she has been an active Board Member of Riverdale Neighborhood House. Ruth has also served on the Riverdale Senior Services Board, the Riverdale Mental Health Board, and the Fieldston Property Owners Association. She has also been active in the New York State court system, where she currently serves as Commissioner of the New York State Commission on Judicial Nomination, Court of Appeals, and as a panel member for the Disciplinary Committee of the Appellate Division, New York Supreme Court.

This year, Riverdale Neighborhood House is honoring Ruth at their 2015 Annual Benefit. I want to congratulate Ruth on this honor and thank her for her years of dedicated service to the community.

HONORING ROBERT T. GRAND

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. BUCSHON. Mr. Speaker, I rise today to honor my good friend Robert T. Grand, who turns 60 this year.

A graduate of Wabash College and IU McKinney School of law, Bob has committed his adult life to public service.

Bob has been a tremendous advocate for Hoosiers through his work with former Indiana Gov. Bob Orr, Senator Dick Lugar, President Bush, Governor Mike Pence, and Senator DAN COATS and his efforts working for common-sense public policy, especially in areas of government regulation.

In fact, the 2016 edition of Best Lawyers in America, named Bob as ''Lawyer of the Year'' for his work in government relations practice and municipal law.

Bob, congrats on six decades of success and here's to many more years of health and happiness.

HONORING CHANCELLOR LARRY NEIL VANDERHOEF

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. GARAMENDI. Mr. Speaker, I rise today to recognize Larry Neil Vanderhoef, a long-serving Chancellor at the University of California, Davis. On October 15, Larry passed away at age 74. I was fortunate to call him my friend, and he will truly be missed.

Chancellor Vanderhoef grew up from adversity and humble beginnings to be an incredible leader. He was raised in a small factory town in Wisconsin, and became the first in his family to finish high school and one of the few in his small town to go to college. He received his BA and MS in Biology from the University of Wisconsin-Milwaukee, and he later pursued and received his Ph.D in Plant Biochemistry from Purdue University.

The Chancellor was a true visionary and academic diplomat, not just for the University of Davis but also for the wider Davis community. His extraordinary dedication is best described by the legacy he leaves behind. He devoted more than a quarter-century of his life to UC Davis, first as Provost and Executive Vice Chancellor from 1984 to 1994, and then as Chancellor for fifteen years after that—finally retiring in 2009. He was an academic servant who had a vision for UC Davis, and today the campus is one of the top leading research universities in the nation.

Throughout his life, Chancellor Vanderhoef was a tireless advocate for higher education whose passion and dedication transformed UC Davis. Almost every aspect of the university was impacted by his efforts to improve the education system, including the university's national rankings, student population, faculty, and research initiatives and facilities. Under Chancellor Vanderhoef's leadership, student enrollment grew from 22,000 to more than 30,000, the faculty increased by 44%, classroom, lab, and office space expanded by 6 million square feet, and the National Science Foundation ranked UC Davis in the top 10 in the nation for research funding among other public universities.

He was a visionary leader who made great strides toward bettering not only the university, but also the community of Davis. He held a strong passion for music and the arts, and advocated for the construction of what is now the Shrem Museum of Art. His promise to build a world-class performing arts center was realized in 2002 when doors opened to the Robert and Margrit Mondavi Center for the Performing Arts, placing the university on the world stage. The performing arts center also serves as a beautiful new south entrance to the campus, making it more accessible to the public.

During his tenure as Chancellor, UC Davis was admitted into the Association of American Universities, a prestigious organization with only 62 members in the United States and Canada. Chancellor Vanderhoef's support of the sciences and medical research was reflected in his many initiatives on campus such as the creation of the Robert Mondavi Institute for Wine and Food Science. He also transformed the Sacramento County Hospital into what is known today as the highly renowned UC Davis Health System, providing patients with the highest of quality care. The health system includes the UC Davis Medical Center, UC Davis School of Medicine, The Betty Irene Moore School of Nursing, and the UC Davis Medical Group. Not only does the UC Davis Health System conduct innovative research, but it stimulates Sacramento's economy by creating more than 20,000 jobs and generating $3.4 billion annually in economic output.

In addition to the arts and sciences, Chancellor Vanderhoef was a firm believer in the

power of academic diplomacy. While at UC Davis, he promoted study abroad programs and the importance of international engagement in the Middle East. He believed that being exposed to new cultures and new ways of thinking can foster dialogue and greater understanding. Currently, students are able to participate in numerous study abroad programs such as the UC Davis Quarter Abroad or Summer Program, a Seminar Abroad Program, or even hold an internship abroad. Today, the Larry N. Vanderhoef Scholarship for Study Abroad, named for his legacy, continues to make these unforgettable opportunities open to Davis students.

Due to his many accomplishments in the Davis community, Chancellor Vanderhoef was granted numerous awards for his dedication and commitment to higher education. The Chancellor was named Sacramentan of the Year in 2004 by the Sacramento Metropolitan Chamber of Commerce, and in 2006, he was presented with the Northern California International Leadership Award and was elected as an honorary member of the World Innovation Foundation.

I am deeply honored to have known Chancellor Larry Neil Vanderhoef and to pay tribute to a great visionary who dedicated his life to public service and to the people of Davis. There is little doubt that Chancellor Vanderhoef's presence was felt throughout the entire community. He left a remarkable legacy, which will not soon be forgotten. It is my sincere hope that the students and faculty at UC Davis will embody the Chancellor's spirit and continue to carry his legacy with them throughout their lives. It is leaders like Chancellor Vanderhoef who inspire change and make the most impact on those around them.

PERSONAL EXPLANATION

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. MCNERNEY. Mr. Speaker, I was necessarily absent from the House on October 23, 2015. Had I been present, I would have voted NO on H.R. 3762 (Roll Call 568). I would like the record to accurately reflect my stance on this issue.

HONORING PORTUGUESE-AMERICAN COMMUNITY CENTER 85TH ANNIVERSARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. ENGEL. Mr. Speaker, the city of Yonkers has been privileged for 85 years to be graced with strong community commitment from the Portuguese-American Community Center. With gratitude, it is an honor to congratulate them on their anniversary.

The Center was inaugurated on October 5, 1930 under the name ''Clube Social Portugues.'' Originally, the ''Centro Social Portuguese-American Citizens & Yonkers Portuguese American Club'', the PACC dignified the lives of Portuguese immigrant families throughout Yonkers, weaving families into a strong community. On the 30th Anniversary of its founding, the Center settled on ''Portuguese American Community Center, Inc.''

Early in the club's existence, under the presidency of the Ambassador of Portugal, Dr. Joao Bianchi, a language school called ''Escola Joao de Deus'' was opened to help the local children.

After decades of success, in 2012 ''Escola Joao de Deus'' joined the ''Instituto de Cames,'' an entity of the Portuguese Government, which oversees the teaching of Portuguese abroad. To this day, the school plays a huge role in the Portuguese-American Community Center's role in the neighborhood.

Faithful to its founding principles, the Center continues its independent streak of focus towards the community rather than towards political organizations or religious sects. It also keeps the youth physically active by having a soccer team department, ''Portuguese Stars,'' with over 65 children enrolled.

On October 3rd, the Portuguese-American Community Center will be hosting its 85th Anniversary Gala-Diamond Jubilee. I congratulate them on the occasion and wish them another 85 years of great success in Yonkers.

INTRODUCTION OF BANNING THE USE OF ELECTRONIC CIGARETTES ON AIRPLANES ACT OF 2015

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. NORTON. Mr. Speaker, I rise to introduce the Banning the Use of Electronic Cigarettes on Airplanes Act of 2015. The bill prohibits the use of electronic cigarettes and vaping devices on commercial airplanes by including use of these devices within the definition of smoking. Smoking tobacco products on commercial airplanes has been banned for years, but with the increase in use of electronic cigarettes and vaping devices in their place, it is necessary to update our laws to reflect this new nuisance and health risk on airplanes. The Federal Aviation Administration (FAA) issued a Notice of Proposed Rulemaking (NPRM) in 2011 ban the use of these devices, but four years later, no progress has been made. Therefore, Congress should step in to legislatively resolve the issue.

Electronic cigarette use has increased over the last decade with the increased education of the general public about the dangers and public health threats caused by traditional cigarettes to smokers and nonsmokers alike. For example, between 2010 and 2011, e-cigarette use among adults doubled. Researchers and public health experts have voiced concerns over the use of electronic cigarettes because there are still so many unknowns about the chemicals these devices can produce. The American Lung Association (ALA) has cited many concerns about the lack of regulation of e-cigarettes because they are on the market while the potential harm from secondhand e-cigarette emissions is unknown. ALA has identified two studies that show formaldehyde, acetaldehyde, benzene, tobacco-specific nitrosamines, and other harmful irritants coming from e-cigarette emissions. In addition, the temperature of an e-cigarette can affect how many harmful the chemicals are, but with no configuration standards, it is too difficult to uniformly assess the health effects of smoking e-cigarettes. The Food and Drug Administration (FDA) issued a proposed rule in 2014 that would extend new regulatory authority to e-cigarettes by subjecting e-cigarettes to registration and product listing requirements, restrictions on marketing products prior to FDA review, and a prohibition on providing free samples like with traditional tobacco products.

This year we celebrate 25 years since legislation was passed banning smoking on domestic flights in the United States. In the 1960s, the U.S. Surgeon General identified smoking as a cause of increased mortality and by 1986, the U.S. Surgeon General had named secondhand smoke a serious health risk. The National Academy of Sciences, in its report ''The Airliner Cabin Environment: Air Quality and Safety,'' recommended a ban on smoking on all domestic commercial flights. The Association of Flight Attendants can be credited with urging the smoking ban due to the negative health impacts flight attendants suffered working in cramped, closed-off spaces when a third or more passengers smoked in-flight. Congress used this information to include an amendment authored by then-Representative DICK DURBIN (D–IL) in the Federal Aviation Act that made domestic flights of two hours or less smoke free. By 1990, this smoking ban was extended to all domestic flights of six hours or less, and, in 2000, the Wendell H. Ford Aviation Investment and Reform Act made all flights to and from the United States smoke-free. All of this was done even in the face of the strong tobacco industry's opposition because of the undeniable health impacts of cigarettes and cigarette smoke. Many flyers do not remember a time without ''No Smoking'' signs located throughout a commercial airplane.

In 2011, the U.S. Department of Transportation issued its NPRM to prohibit the use of e-cigarettes on U.S. airplanes. Under current FAA policy, battery-powered electronic cigarettes, vaporizers, vape pens, atomizers, and electronic nicotine systems are prohibited in checked baggage, and the FAA recommends that such devices only be carried in the aircraft cabins because of safety issues. It is up to individual airlines to ban their use. Some airlines have already taken the initiative to institute a ban on the use of electronic cigarettes, but legislation is necessary to make this update applicable to all airlines, and permanent.

The current smoking ban applies to the smoking of tobacco products on all scheduled passenger flights and on scheduled passenger flight segments on foreign air carriers in the U.S. and between the U.S. and foreign countries, unless a waiver is granted based on bilateral negotiations. The Banning the Use of Electronic Cigarettes on Airplanes Act of 2015 will amend the statutory definition of smoking located in 49 U.S.C. 41706 to include the use of electronic cigarettes, defined as ''a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.''

I urge my colleagues to join me in supporting this bill.

PERSONAL EXPLANATION

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. SINEMA. Mr. Speaker, I would like to reflect that if I had been present I would have voted aye on roll call number 534, aye on roll call number 535, nay on roll call number 536, aye on roll call number 537, nay on roll call number 538, aye on roll call number 539, aye on roll call number 540, nay on roll call number 541, aye on roll call number 542, aye on roll call number 543, aye on roll call number 544, nay on roll call number 545, aye on roll call number 546, aye on roll call number 547, aye on roll call number 548, and aye on roll call number 549.

URGING CONGRESS TO SUPPORT FARM TO SCHOOL

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. GARAMENDI. Mr. Speaker, I rise today to bring attention to a vital childhood nutrition program in desperate need of funding. In the Healthy, Hunger-Free Kids Act of 2010, Congress established mandatory funding of $5 million annually for a farm to school competitive grant and technical assistance program. This program allows communities to provide local foods in schools. Programs like this boost farm income while also fostering experiential food education for our children. Farm to school empowers children and their families to make informed food choices while strengthening the local economy and contributing to vibrant communities. The proven benefits such as food security, sustainable farming education, as well as long-term healthy lifestyle choices have been invaluable to communities all over the United States. Unfortunately, demand for the program is more than five times higher than available funding, which is why I urge Congress to support the Farm to School Act of 2015.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,152,638,934,294.38. We've added $7,525,761,885,381.30 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. KEATING. Mr. Speaker, I rise today in recognition of October as Domestic Violence Awareness Month and to reaffirm our commitment to ending domestic violence in this country.

Established 24 years ago, Domestic Violence Awareness Month exists to raise awareness across the country regarding the prevalence of domestic violence and opportunities for victims. Americans of any gender, age, religious group, neighborhood, income level, and racial or ethnic background are at risk.

The statistics are simply staggering. Every minute, nearly 20 people in the United States are physically abused by an intimate partner—amounting to more than 10 million women and men in the United States a year. Horrifically, one in three women will experience an incident of domestic violence, while one in four men have been victims of some form of physical violence by an intimate partner within their lifetime. Daily, more than 20,000 calls are placed to domestic violence hotlines nationwide. This epidemic has far-reaching consequences in our communities; domestic violence is the third-leading cause of homelessness among families, and over 10 million children are exposed every year.

A key step in working toward ending domestic violence in this country is to increase awareness, engagement, and education surrounding this issue. To this end, we are fortunate to have the efforts of exemplary organizations, including South Shore Women's Resource Center, The Women's Fund of Southeastern Massachusetts, We Can, and Cape Cod Center for Women, working to provide stability, shelter, and safety for victims of domestic violence throughout my district and the Commonwealth. Similarly, Jane Doe Inc. promotes a simple yet critical message: men are essential partners in the fight to end domestic violence and sexual assault against women. Jane Doe Inc.'s White Ribbon Campaign has proven to be a positive way to send the message that violence against women is unacceptable.

Mr. Speaker, I urge everyone to join me in continuing our efforts by recognizing October as Domestic Violence Awareness Month. There is much work yet to be done, but, as these tireless Massachusetts organizations have demonstrated, together, we can make a difference.

HONORING NATIONAL COLLEGIATE HONORS COUNCIL 50TH ANNIVERSARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. ENGEL. Mr. Speaker, I rise today to congratulate the National Collegiate Honors Council as they celebrate their 50th anniversary this year. The National Collegiate Honors Council represents 800 colleges and universities and is composed of 325,000 students dedicated to achieving educational excellence in diverse subject curriculum areas, in order to achieve professional career goals.

In my district, the Iona College Honors Program attracts the most talented and motivated students from all majors and disciplines. The honors program challenges students to develop their talents, stretch their capabilities, and prepare themselves for postgraduate study and professional careers. In order to mentor and challenge Iona's exceptional students, the honors program provides them individual academic and career counseling, small class sizes, and advanced courses. Iona College honors students go on to achieve prominence in a diverse range of professional fields including law, advertising, banking, education, and law enforcement. Grounded in an interdisciplinary rigorous curriculum marked by an accelerated course of study, students in the Honors Program embody the mission of Iona College, the Christian Brothers, and Catholic higher education.

The National Collegiate Honors Program, after decades of growth and experience, continually prepares our students for successful professional careers. I invite my colleagues to join me in recognizing the program's contributions to our nation's educational and professional communities for the last 50 years.

CELEBRATING THE 40TH ANNUAL MEETING OF THE AGING & IN-HOME SERVICES OF NORTHEAST INDIANA, INC.

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. STUTZMAN. Mr. Speaker, I want to acknowledge the 40th anniversary and celebrate the accomplishments of Aging & In-Home Services of Northeast Indiana, Inc. AIHS is a private, non-for-profit social service organization serving seniors and persons with disabilities of all ages since 1975. It is the Area III Agency on Aging as designated by the U.S. Administration on Community Living and the State of Indiana. As such, it is the primary resource for older adults, persons with disabilities, and their caregivers, and a funding source of services including support for the Councils on Aging in their nine-county service area: Allen, Adams, DeKalb, Huntington, LaGrange, Noble, Steuben, Wells, and Whitley.

The organization works tirelessly to strengthen local and statewide systems for advocacy and protection of older adults, and other at-risk vulnerable populations. In 2014 AIHS touched the lives of more than 57,000 individuals through its continuum of programs to support safe and independent living at home. All services are provided regardless of race, age, color, religion, sex, disability, national origin or ancestry.

In the past year, the agency has received national recognition for strategic leadership and initiatives in bridging the gap between traditional Older Americans Act programs and the new healthcare model of service provision and payment sources, including:

Administration on Community Living (ACL), U.S. Department of Health & Human Services,

invitation to prestigious "thought leaders" roundtable.

Hartford Foundation invitation to multidisciplinary "Change AGEnt" conference of geriatric specialists from across the United States.

Co-presenters with National Institute on Health and ACL at National Association of Area Agencies on Aging conference on Recruiting Older Adults into Research.

Community-based Care Transitions Program, funded by Centers for Medicare & Medicaid Services, achieved milestone of assisting 10,000 patients in reducing hospital readmission in 11 hospitals across 32 counties.

National Committee for Quality Assurance (NCQA) "Standards for Long-Term Services and Support and Medical Care" Learning Collaborative, selected as 1 of only 10 organizations nationwide.

Rosalynn Carter Institute on Caregiving National Summit, invited to present showcasing achievements of evidence-based chronic disease telephonic support featuring staff, local caregiver and their care recipient.

The organization's 40th Annual Meeting and Awards Ceremony will be held on Wednesday, October 28, 2015, at the Parkview Mirro Center in Fort Wayne, Indiana. Joan Lunden, a cancer survivor, journalist, television host, and renowned caregiver will be the featured speaker. I ask that my colleagues join me today in celebrating this organization's service to the most vulnerable of our citizens in northeast Indiana, and extend our best wishes for their future.

IN RECOGNITION OF STEVEN D. CHAN, D.D.S.

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. SWALWELL of California. Mr. Speaker, I rise today to congratulate Dr. Steven D. Chan on his upcoming installation as President of the American College of Dentists. I am honored to recognize Dr. Chan's distinguished career and contributions to the City of Fremont.

Dr. Chan is a third-generation Californian, born and raised in Los Angeles. After receiving his undergraduate degree from UCLA, he earned his dental degree from Georgetown University and completed his residency at Martin Luther King/Los Angeles County Hospital. Dr. Chan has had a practice in pediatric dentistry in Fremont for over 30 years. Dr. Chan's professional honors include Fellowships in the Academy of Dentistry International, American Academy of Pediatric Dentists, and the International College of Dentists.

In addition to his professional accomplishments, Dr. Chan is also a dedicated leader in the City of Fremont. His leadership in the community includes serving as Chair of Ohlone Community College's Oversight Committee and as Commissioner of the City of Fremont Library Commission. He has been honored as the Citizens for a Better Community's Citizen of the Year, the Asian Business Alliance Business Owner of the Year, and the Asian Pacific Islander American Public Affairs Business Leader of the Year.

Dr. Chan's exceptional leadership will be well-matched for his new role as the President of the American College of Dentists. He will be the first Asian American to lead this highly respected organization. I know his wife, Sue, and their two sons are very proud of Dr. Chan's achievement. On behalf of his wonderful family, I want to congratulate Dr. Chan on this tremendous honor.

CELEBRATING THE 150TH ANNIVERSARY OF THE AMERICAN SOKOL ORGANIZATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the 150th Anniversary of the American Sokol Organization. As one of the first organized gymnastics and fitness organizations in the United States, I would like to congratulate the American Sokol Organization on this important milestone and applaud them for its continued efforts to provide fitness, educational, and cultural programs to their communities. The American Sokol Organization will celebrate this anniversary on November 14, 2015 at the Women's Athletic Club of Chicago, and as a Co-Chair of the Czech Caucus, I am pleased to see them mark such an important date.

The anniversary celebration taking place in Chicago will feature two important guests. I want to take this opportunity to congratulate Petr Gandalovic, Ambassador of the Czech Republic to the United States, and Kristyna Pellouchoud Driehaus, KMD Foundation, American Friends of the Czech Republic and Chicago Czech Center for taking part in this magnificent celebration as Honorary Co-Chairs.

On March 19, 2015, I attended a wreath laying ceremony marking the 25th Anniversary of Vaclav Havel's speech to a joint session of Congress and dedicating his bust's new and permanent location in Freedom Foyer. This event was attended by leaders of Congress, and Czech Ambassador to the United States, Petr Gandalovic.

The first American Sokol unit was founded by Czech and Slovak immigrants, Karel Prochazka, Jaroslav Vostrovsky, and E.B. Erben, in Saint Louis, Missouri in 1865. At that time, large numbers of immigrants were flocking to the United States and these founders created community centers for their children to learn and engage in fitness activities—these centers were the first American Sokols.

During the first 50 years of the organization, many American Sokols were formed throughout the United States, and all of these units were incorporated into the American Sokol Organization on January 1, 1917. Today, well into its second century in service, American Sokol remains an organization dedicated to the physical, mental, and cultural enrichment of its members. American Sokol has been shaping the lives of Olympians, diplomats, artists, athletes, and most importantly, the families in the communities in which we serve.

Sokol is the Czechoslovak word for falcon, and it is an appropriate symbol since the falcon is a bird that has great love for freedom, as well as strength, courage and agility. The Sokol philosophy strives for physical fitness for their members, believing that to maintain a free nation, its people must be physically and morally strong.

American Sokol members represent a wide age range. Members range from preschool children to retired adults. This diversity allows older members to pass on the benefit of their wisdom and experience to the young people in a personal way. In combining Czechoslovak culture, the American heritage, and American Sokol ideals, this organization has contributed greatly to the welfare of the United States. Many American Sokol members have served their country with distinction, in World War I, World War II, the Korean War, and the Vietnam conflict, and beyond.

I am proud to join with American Sokol members in the 9th Congressional District of Illinois, which I am honored to represent, and members of American Sokol Organization in the City of Chicago and all over the United States, as they celebrate their 150 years of excellence, achievement, and contributions to the greatness of the United States.

H.R. 597 "REAUTHORIZING OF EXPORT-IMPORT BANK OF THE UNITED STATES"

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise to speak on H.R. 597, which reauthorizes the Export-Import Bank for four years.

It is unfortunate that it has taken this body so long to get to this point and it was inexcusable that the House Republican leadership allowed the Ex-Im Bank authorization to expire on June 30, 2015 before.

That intransigence made it necessary for a bipartisan majority of this House to resort to a discharge petition as the vehicle to bring this legislation to the floor.

Mr. Speaker, the Ex-Im Bank enables U.S. companies, large and small, to turn export opportunities into real sales that help to maintain and create U.S. jobs and contribute to a stronger national economy.

For more than 80 years the Ex-Im Bank has helped Texas businesses generate over $29 billion in exports, $4.3 billion of which originated from businesses in the 18th Congressional District of Texas.

In May of this year I hosted Export-Import Bank President Fred. P. Hochberg for a historic tour of vital and thriving small businesses in the 18th Congressional District.

We toured Frenchy's Sausage Manufacturing which is a company that currently services over 200 businesses.

Frenchy's Sausage recently completed an expansion of plant facilities to accommodate the tremendous growth the company has experienced.

We also toured Tejas Tubular, a company that built and opened their casing facility in 2005 to process larger diameter API casings and, which in 2011 opened the ERW tubing plant in Stephenville, Texas, and has processed more than 14 million joints of tubing and casing.

Mr. Speaker, when operating on a level playing field, American exporters can compete against anyone.

The Ex-Im Bank partners with American exporters, such as Tejas Tubular and Frenchy's Sausage Manufacturing in Houston, so they can close more deals abroad and support more middle class jobs here at home.

The Ex-Im Bank is an independent federal agency that supports and maintains U.S. jobs by filling gaps in private export financing at no cost to American taxpayers.

The Ex-Im Bank provides a variety of financing mechanisms, including working capital guarantees and export credit insurance, to promote the sale of U.S. goods and services abroad, 90 percent of which directly serve American small businesses.

''In fiscal year 2014, the Ex-Im Bank approved $20.5 billion in total authorizations. These authorizations supported an estimated $27.5 billion in U.S. export sales, as well as approximately 164,000 American jobs in communities across the country.

Recently Diversitybusiness.com announced the selection of Ex-Im Bank as one of the top agencies providing opportunities for small and minority businesses to expand export business operations.

Since 2009, the Ex-Im Bank has authorized more financing to support the growth of minority- and women-owned businesses than it did over the previous sixteen years combined.

In FY 2014, the Ex-Im Bank financed U.S. exports from minority- and women-owned businesses valued at more than $2 billion.

Mr. Speaker, the Ex-Im is dedicated to pursuing equality of opportunity and supporting economic growth and jobs here in Houston and across America.

I strongly support H.R. 597, which reauthorizes the vital agency that does so much to help American business create and maintain high-paying jobs for American families.

HONORING DR. ALLEN PAUL WEAVER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. ENGEL. Mr. Speaker, I rise today to recognize a spiritual leader in the New Rochelle community, Reverend Dr. Paul Allen Weaver, who for 35 years has led the Bethesda Baptist Church of New Rochelle congregation with great distinction and remarkable integrity.

Originally from Orlando, Florida, Reverend Weaver answered the call to join the ministry at age 17. He graduated from Florida Memorial University in 1969 with a B.S. in Religious Education, and graduated with his Masters of Divinity Degree in 1972.

In July 1980, Reverend Weaver came to New Rochelle as Pastor of Bethesda Baptist, and began what has been an incredible multi-decade partnership with the community. During his formative years at Bethesda Baptist, Reverend Weaver helped institute many social programs to address the needs of the neighborhood. He created the Lad's Lunch Ministry, which fed over 100 people for over 25 years. Through the Helping Hand Ministry, the church was able to address the lack of adequate clothing for those less fortunate in the community. And the development of the Family Life Center as part of the church's 120th anniversary has created a beautiful community facility for thousands to enjoy.

Reverend Weaver's list of accomplishments also extend beyond Bethesda Baptist. He has taught as an adjunct professor at New York Theological Seminary in New York, served as President of the prestigious Baptist Ministers Conference of Greater New York, and was President of the New Rochelle branch of the NAACP.

But Reverend Weaver's greatest joy has always been derived from his family. He married the love of his life, Deacon Nettie J. Weaver, and together they have two sons, Allen and Cyrus-Charles, a daughter-in-law, Ijnanya, and one grandson, Noble Xavier Weaver.

This year, Bethesda Baptist is holding a commemorative luncheon in Reverend Weaver's honor celebrating his 35 years as pastor. Congratulations to Reverend Weaver on this great honor.

IN SUPPORT OF H.R. 597, THE REFORM EXPORTS AND EXPAND THE AMERICAN ECONOMY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 597, legislation to reauthorize the Export-Import Bank of the United States, our nation's official export credit agency.

The Export-Import Bank, created 80 years ago during the depths of the Great Depression, has been authorized 16 times by Congress with overwhelming bipartisan majorities and has broad support from industry and labor for the very simple fact that it works.

Since 2009, the Ex-Im Bank has supported more than 1.3 million jobs and has returned over $2 billion in deficit-reducing profits to the U.S. Treasury while providing over $27 billion in export credit last year alone.

My home state of Texas is the number one beneficiary of Ex-Im's support for American business and jobs. Nearly one-in-five companies receiving financing from the Ex-Im Bank call Texas home. Ex-Im supports more than 135,000 jobs in Texas and provides financing to over 1,600 companies, over half of which are small businesses and nearly 10 percent are minority-owned.

The Ex-Im Bank has supported over $11 billion in export sales for Houston-area companies for the past five years, more than any other region in the country, with $3.5 billion going to local small businesses. In fact, Harris County is home to the largest number of small businesses that use Ex-Im.

America has already felt the negative impact of Congress's failure to reauthorize Ex-Im and freeze its ability to issue loans for the past four months. In September, General Electric, one of America's most important domestic manufacturers, announced it would move 500 jobs from Texas and other states to France, Hungary, and China because it would receive export credit financing overseas that's no longer available here.

Boeing, one of our nation's largest companies, announced in recent months that it has lost two satellite manufacturing bids to overseas competitors because it no longer had access to Ex-Im financing.

Mr. Speaker, at a time when foreign competition is becoming more fierce than ever before, with nations like China using any means necessary to win contracts in overseas markets, Congress must act immediately on this pressing matter. I call on all my colleagues to stand with working families and American businesses and join me by voting to reauthorize the Export-Import Bank.

LT. COL. THOMAS PARR—SOLDIER, SURGEON, AND SCHOLAR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. POE of Texas. Mr. Speaker, Dr. Thomas J. Parr's story should be taught and known. This man reflects what is good and right about our country.

In 1967, Thomas Parr graduated from the United States Military Academy. While studying and training at West Point, he completed Ranger School. This earned him the coveted Ranger Tab. After graduation, he served in two tours to Germany and Vietnam. In Germany, he commanded an Armored Cavalry Troop during the Soviet Union's invasion of Czechoslovakia. In Vietnam, he served as Commander of a Mechanized Infantry Company. The training he endured in Ranger School provided him with the tools to soldier as a combat leader.

He commanded his troop to root out the Viet Cong underground organization. He did this by moving his troop quickly through the search areas in order to barricade villages harboring Viet Cong. This provided the village with protection and ultimately drove out the enemy. For his service and leadership in Vietnam, he earned the Combat Infantryman Badge and three Bronze Stars for Valor and Merit.

After serving time in combat, he soon realized his calling was medicine. Parr stayed enlisted and got his degree from the University of Texas Southwestern Medical School in Dallas in 1975. He traded his officer's uniform for scrubs and became an Orthopedic Surgeon. He interned and did his residency at Brooke Army Medical Center in San Antonio. By the late 80s, he relocated to Madigan Army Medical Center in Tacoma, Washington to become the Assistant Chief of Orthopedics. There, he set up the surgery department and trained physicians. He was among the first Army surgeons to start performing arthroscopic surgery.

He served our country over 20 years and retired as United States Army Medical Corps Colonel. Following his military retirement in 1987, Dr. Parr and his wife, Joannie, came back to Texas—of course. Once back in the Lone Star State, Dr. Parr started a private practice in Sugar Land. And the rest they say is history. His achievements as an orthopedic surgeon have made him well known and well respected. He is recognized nationally as a leader in Orthopedic and Sports Injury Medicine and today, he continues to make remarkable strides in the medical field. He's the first in the nation to perform MAKOplasty—a robotic arm procedure used in knee replacement surgery.

As a staunch defender of America and her values, Dr. Parr has translated his service from the battlefield to the operating room and now into our community. Today, he serves on the Board of Directors for the West Point Society of Greater Houston, helping deserving youth to apply and obtain acceptance into any of our nation's military academies.

With his twenty years of military service and medical expertise, Dr. Parr helps future military cadets work their way through the medical requirements of eligibility.

Despite his busy schedule, Dr. Parr always has time to help those with ties to the military service. Once a Marine, always a Marine.

Dr. Parr's life journey is one of honor, duty, God, country and helping his fellow man. From the United States Military Academy at West Point to the jungles of Vietnam, to the operating rooms of Washington and now in the surgical rooms in Houston, Texas, Dr. Parr has made, and is still making, a difference to our nation. And that's just the way it is.

H.R. 597—TO REAUTHORIZE THE EXPORT-IMPORT BANK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mrs. LOWEY. Mr. Speaker, it's been almost four months since Congress failed to renew the Export-Import Bank's charter—marking the first lapse in the Bank's 81 years of operation. This disservice to American businesses must end.

The Export-Import Bank helps U.S.-made products remain competitive and reach overseas markets, while supporting thousands of middle-class jobs. In my own district during the last eight years, the Ex-Im Bank has supported $2.2 billion worth of exports and over 14,000 jobs at 22 exporters—including nine small businesses.

The Bank has been reauthorized 16 times by Republican and Democratic Presidents. There is no reason to keeping politicizing the Bank's Reauthorization.

I urge immediate passage.

IN SUPPORT OF H.R. 597, THE EXPORT-IMPORT BANK REFORM AND REAUTHORIZATION ACT OF 2015

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 597, as amended. It is mystifying to me why there is such vociferous opposition to the Export-Import Bank among a majority of our Republican colleagues. For decades, a solid majority of Republicans have joined with Democrats to support the Bank and its vital role in creating and sustaining jobs for American workers.

But not now. Why? The Export-Import Bank should appeal to all Republicans, as it does to us Democrats.

The Bank supports the American private sector, both exporters and lenders. It steps in only when needed to level the playing field in international competition. Virtually all of its financing is issued as guarantees and insurance of loans by commercial lenders. It finances only American-made goods and American-provided services. Some 90 percent of its financing is for exports by American small businesses, last year some 3,300 firms. The result last year was 164,000 jobs for American workers, 6,500 in New York. What could be more business-friendly?

The Bank should appeal to fiscal conservatives as well. It is operated on a business-like basis. It charges fees, premiums and interest, at full market rates. Those receipts fully cover all the Bank's expenses. It even generates a surplus that goes to the U.S. Treasury to reduce the federal deficit. Last year, that deficit reduction was $675 million. What could be more fiscally prudent?

The Bank is a careful lender. Its loss rate is below 2 percent, far lower than any commercial bank. The Bank maintains cash reserves against the risk of loss, currently amounting to $5 billion. All of those reserves are generated from its user fees, not the taxpayer. Why doesn't that record appeal to Republicans, as it does to Democrats?

The Bank is a fiscally-prudent solution to a real-world problem: foreign competition that has its own financial support. Some 60 foreign governments operate export finance programs. Some, like China's, Japan's, Germany's and even Canada's, are much larger than Ex-Im. Financing is a crucial element of trade competition: a company that can bring customer financing to the table often wins the transaction. When foreign governments back their exporters, American exporters and their workers lose. Ex-Im Bank is our answer.

So I simply cannot understand why a majority of Republicans in this House forced the Bank to close its financing window in July. It can't be due to subsidy, because there isn't any. It can't be due to government competition with the private sector, because the Bank doesn't do that. It can't be for any budgetary reason, because the Bank is self-financing.

For those of us who support Ex-Im Bank and the American firms and workers that the Bank sustains, the only conclusion we can draw is that the excessive campaign against Ex-Im Bank is another example of hard-bitten, intransigent ideology eclipsing the need to embrace a business-friendly, budget-conscious, prudent program for America.

BREAST CANCER AWARENESS MONTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. WILSON of South Carolina. Mr. Speaker, October marks Breast Cancer Awareness Month—a month to especially recognize and celebrate breast cancer patients, survivors, and advocates. While breast cancer affects individuals and families throughout the year, I especially appreciate the awareness and advocacy efforts that occur this week, especially the Walk for Life and Women's Night Out.

The Walk for Life/Race for Life at Palmetto Health, though rescheduled due to the tragic flooding, is celebrating twenty-five years of raising funds and awareness for survivors and treatments in the Midlands. In the past twenty-five years, the Walk for Life, led by Chair Janet Snider, has gone from 200 participants in the first year to over 11,000 participants last year, raising over $800,000.

Women's Night Out at Lexington Medical Center, led by President Mike Biediger, is an inspiring evening at Burkett, Burkett, and Burkett CPAs, where the hospital honors breast cancer patients, survivors, and their families. I know firsthand of the success at Lexington Medical Center, where my son Addison in high school was successfully treated for thyroid cancer determined by Dr. H.W. Bledsoe, Jr., and now himself is an orthopedic surgeon.

In conclusion, God Bless Our Troops and may the President by his actions never forget September 11th in the Global War on Terrorism.

THE ''URGENCY OF NOW''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2015

Mr. CONYERS. Mr. Speaker, I rise today in support of action—the preference for progress of a status quo that is robbing millions of Americans of opportunity. Every person in this chamber was elected to improve this country and make the lives of our constituents a little bit easier.

Nowhere is it easier to improve the quality of life for Americans than in investing for the long-term in our transportation infrastructure. The American economy depends upon the rapid delivery of goods and services.

But as the White House pointed out in 2014's ''Economic Analysis of Transportation Infrastructure Investment,'' we are failing to support this vital network of roads, bridges, railways and other means of transportation.

Last year, the World Economic Forum ranked the United States' roads 18th in the world; 65% of our major roads are in less than ''good'' condition; one in four requires significant repair. These inadequacies directly impact us all. Each year, we spend 5.5 billion unnecessary hours stuck in traffic—that's a $120 billion in extra fuel and unproductive time.

Those figures cost business and industry an extra $27 billion in freight costs and delays. Money that could have gone to employees, or shareholders, or to investments in the future.

But it isn't just corporations paying the price. It is the quarter of the 33,000 traffic fatalities where road conditions were a factor. It is the 45 percent of Americans who cannot access adequate transit.

Today, the House voted to fund yet another short-term bill—as it should—to keep our surface transportation system moving. At the same time, this House voted to delay implementation of a 6-year-old law that requires ''positive train control''—a technology that saves lives and which I want to see rolled out as soon as possible—because they thought it important to provide the rail industry with certainty.

But the simple fact is those two principles are at odds—because we aren't providing any certainty to American industry and American

passengers and American drivers with a three-week transportation funding bill. A trip of a thousand miles may begin with a single step—but you have to begin with a destination and path in mind.

It is time this body recognizes the urgency of our problem. Transportation investments aren't based on a three-week schedule—and federal support shouldn't be either.

Let's finally get something done on transportation, and pass a bill that will fund infrastructure priorities further out than people are booking flights for Thanksgiving.

Daily Digest

HIGHLIGHTS

Senate passed S. 754, Cybersecurity Information Sharing Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S7497–S7550

Measures Introduced: Five bills were introduced, as follows: S. 2207–2211. **Page S7546**

Measures Reported:

S. 1326, to amend certain maritime programs of the Department of Transportation, with an amendment in the nature of a substitute. (S. Rept. No. 114–158)

S. 1789, to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan. **Page S7545**

Measures Passed:

Cybersecurity Information Sharing Act: By 74 yeas to 21 nays (Vote No. 291), Senate passed S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and after taking action on the following amendments proposed thereto: **Page S7498**

Adopted:

Burr (for Flake/Franken) Further Modified Amendment No. 2582 (to Amendment No. 2716), to terminate the provisions of the Act after ten years. **Page S7498**

Burr/Feinstein Amendment No. 2749 (to Amendment No. 2716), relating to cybersecurity information sharing. **Page S7521**

Burr/Feinstein Amendment No. 2716, in the nature of a substitute. **Pages S7498, S7521**

Rejected:

By 41 yeas to 55 nays (Vote No. 285), Feinstein (for Wyden) Modified Amendment No. 2621 (to Amendment No. 2716), to improve the requirements relating to removal of personal information from cyber threat indicators before sharing. **Pages S7498, S7503–04**

By 47 yeas to 49 nays (Vote No. 286), Burr (for Heller) Modified Amendment No. 2548 (to Amendment No. 2716), to protect information that is reasonably believed to be personal information or information that identifies a specific person. **Pages S7498, S7502–03, S7504–05**

By 37 yeas to 59 nays (Vote No. 287), Feinstein (for Leahy) Modified Amendment No. 2587 (to Amendment No. 2716), to strike the FOIA exemption. **Pages S7498, S7505, S7507–08**

By 35 yeas to 60 nays (Vote No. 288), Feinstein (for Franken) Further Modified Amendment No. 2612 (to Amendment No. 2716), to improve the definitions of cybersecurity threat and cyber threat indicator. **Pages S7509–10**

By 41 yeas to 54 nays (Vote No. 289), Feinstein (for Coons) Further Modified Amendment No. 2552 (to Amendment No. 2716), to modify section 105 to require DHS to review all cyber threat indicators and countermeasures in order to remove certain personal information. **Pages S7498, S7508**

By 22 yeas to 73 nays (Vote No. 290), Burr (for Cotton) Modified Amendment No. 2581 (to Amendment No. 2716), to exempt from the capability and process within the Department of Homeland Security communication between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding cybersecurity threats. **Pages S7498, S7511**

Chair sustained a point of order that the following amendments were not germane, and the amendments thus fell:

Feinstein (for Whitehouse/Graham) Modified Amendment No. 2626 (to Amendment No. 2716), to amend title 18, United States Code, to protect Americans from cybercrime. **Pages S7498, S7503–04**

Feinstein (for Mikulski/Cardin) Amendment No. 2557 (to Amendment No. 2716), to provide amounts necessary for accelerated cybersecurity in response to data breaches. **Pages S7498, S7503–04**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the bill, be withdrawn. **Page S7520**

Messages from the House: Page S7545

Measures Referred: Page S7545

Enrolled Bills Presented: Page S7545

Executive Reports of Committees: Pages S7545–46

Additional Cosponsors: Pages S7546–47

Statements on Introduced Bills/Resolutions: Pages S7547–49

Additional Statements: Pages S7543–45

Amendments Submitted: Pages S7549–50

Authorities for Committees to Meet: Page S7550

Privileges of the Floor: Page S7550

Record Votes: Seven record votes were taken today. (Total—291) Pages S7504, S7505, S7508, S7509–10, S7520, S7521, S7522

Adjournment: Senate convened at 10 a.m. and adjourned at 6:23 p.m., until 10 a.m. on Wednesday, October 28, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7550.)

Committee Meetings

(Committees not listed did not meet)

U.S. MILITARY STRATEGY IN THE MIDDLE EAST

Committee on Armed Services: Committee concluded a hearing to examine United States military strategy in the Middle East, after receiving testimony from Ash Carter, Secretary, and General Joseph F. Dunford, Jr., USMC, Chairman of the Joint Chiefs of Staff, both of the Department of Defense.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nomination of Sarah Elizabeth Feinberg, of West Virginia, to be Administrator of the Federal Railroad Administration, Department of Transportation.

OSM'S PROPOSED STREAM PROTECTION RULE OVERSIGHT

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the Office of Surface Mining, Reclamation, and Enforcement's proposed Stream Protection Rule, after receiving testimony from Janice M. Schneider, Assistant Secretary of the Interior, Land and Minerals Management; Randy C. Huffman, West Virginia Department of Environmental Protection, Charleston; Todd Parfitt, Wyoming Department of Environmental Quality, Cheyenne; and Jim Hecker, Public Justice, and Hal Quinn, National Mining Association, both of Washington, D.C.

INTERNAL REVENUE SERVICE

Committee on Finance: Committee concluded a hearing to examine the Internal Revenue Service's response to Committee recommendations contained in its August 5, 2015 report, after receiving testimony from John A. Koskinen, Commissioner, Internal Revenue Service, Department of the Treasury.

SYRIAN CONFLICT

Committee on Foreign Relations: Committee received a closed briefing on the Administration's response to the Syrian conflict from John F. Kerry, Secretary of State.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 3834–3841; and 5 resolutions, H. Res. 494, 496–499 were introduced. Pages H7253–54

Additional Cosponsors: Pages H7254–55

Reports Filed: Reports were filed today as follows:

H.R. 2212, to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes, with an amendment (H. Rept. 114–314); and

H. Res. 495, providing for consideration of the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations. (H. Rept. 114–315). Page H7253

Speaker: Read a letter from the Speaker wherein he appointed Representative Valadao to act as Speaker pro tempore for today. **Page H7191**

Recess: The House recessed at 10:39 a.m. and reconvened at 12 noon. **Page H7196**

Suspension: The House agreed to suspend the rules and pass the following measure:

Surface Transportation Extension Act of 2015: H.R. 3819, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund. **Pages H7207–14**

Unanimous Consent Agreement: Agreed by unanimous consent that the question of adopting a motion to recommit on H.R. 597 may be subject to postponement as though under clause 8 of rule XX. **Page H7201**

Reform Exports and Expand the American Economy Act: The House passed H.R. 597, to reauthorize the Export-Import Bank of the United States, by a yea-and-nay vote of 313 yeas to 118 nays, Roll No. 576. Consideration began yesterday, October 26th. **Pages H7216–31, H7243–44**

Rejected the Norton motion to recommit the bill to the Committee on Financial Services, by voice vote (the Hensarling request for the yeas and nays was vacated by unanimous consent). **Pages H7229–31**

Pursuant to the Rule, the amendment in the nature of a substitute consisting of the text of H.R. 3611, as introduced, shall be considered as adopted and the bill, as amended, shall be considered as read. **Pages H7217–29**

H. Res. 450, the rule providing for consideration of the bill (H.R. 597) was agreed to by a yea-and-nay vote of 275 yeas to 154 nays, Roll No. 573, after the previous question was ordered by a yea-and-nay vote of 271 yeas to 158 nays, Roll No. 572. **Pages H7216–17**

Retail Investor Protection Act: The House passed H.R. 1090, to amend the Securities Exchange Act of 1934 to provide protections for retail customers, by a yea-and-nay vote of 245 yeas to 186 nays, Roll No. 575. **Pages H7201–07, H7214–16, H7231–43**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–31 shall be considered as adopted. **Page H7231**

Rejected:

Lynch amendment (No. 1 printed in H. Rept. 114–313) that sought to replace the bill's existing requirement that the Department of Labor (DOL) stop its rulemaking pending a final Securities and Exchange Commission (SEC) rule with a requirement that the SEC revises its own regulations governing fiduciary duty no later than 60 days after the DOL finalizes its rule and coordinates its rulemaking with the DOL (by a yea-and-nay vote of 184 yeas to 246 nays, Roll No. 574). **Pages H7241–43**

H. Res. 491, the rule providing for consideration of the bill (H.R. 1090) was agreed to by a recorded vote of 244 ayes to 186 noes, Roll No. 571, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 185 nays, Roll No. 570. **Pages H7214–16**

Recess: The House recessed at 7:44 p.m. and reconvened at 12:13 a.m. **Page H7251**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H7200–01.

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H7214–15, H7215–16, H7216, H7216–17, H7242–43, H7243, H7243–44. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:14 a.m. on Wednesday, October 28, 2015.

Committee Meetings

PAST, PRESENT, AND FUTURE OF SNAP: BREAKING THE CYCLE

Committee on Agriculture: Subcommittee on Nutrition held a hearing entitled "Past, Present, and Future of SNAP: Breaking the Cycle". Testimony was heard from public witnesses.

SHORTENING THE DEFENSE ACQUISITION CYCLE

Committee on Armed Services: Full Committee held a hearing entitled "Shortening the Defense Acquisition Cycle". Testimony was heard from Paul Francis, Managing Director, Acquisition and Sourcing Management, Government Accountability Office; and public witnesses.

GAME CHANGERS—UNDERSEA WARFARE

Committee on Armed Services: Subcommittee on Seapower and Projection Forces held a hearing entitled "Game Changers—Undersea Warfare". Testimony was heard from public witnesses.

IMPROVING CAREER AND TECHNICAL EDUCATION TO HELP STUDENTS SUCCEED IN THE WORKFORCE

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled "Improving Career and Technical Education to Help Students

Succeed in the Workforce''. Testimony was heard from public witnesses.

COMMON CARRIER REGULATION OF THE INTERNET: INVESTMENT IMPACTS

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled ''Common Carrier Regulation of the Internet: Investment Impacts''. Testimony was heard from public witnesses.

E-MANIFEST: AN UPDATE ON IMPLEMENTATION

Committee on Energy and Commerce: Subcommittee on Environment and the Economy held a hearing entitled ''E-manifest: An Update on Implementation''. Testimony was heard from Barnes Johnson, Director, Office of Resource Conservation and Recovery, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

THE GLOBAL CRISIS OF RELIGIOUS FREEDOM

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''The Global Crisis of Religious Freedom''. Testimony was heard from David N. Saperstein, Ambassador-at-Large for International Religious Freedom, Department of State; and Robert P. George, Chairman, U.S. Commission on International Religious Freedom.

EXAMINING THE SYRIAN HUMANITARIAN CRISIS FROM THE GROUND, PART II

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa held a hearing entitled ''Examining the Syrian Humanitarian Crisis from the Ground, Part II''. Testimony was heard from Anne C. Richard, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State; León Rodríguez, Director, U.S. Citizenship and Immigration Services, Department of Homeland Security; and Thomas Staal, Senior Deputy Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development.

MISCELLANEOUS MEASURE

Committee on House Administration: Full Committee held a markup on a committee resolution amending Committee regulations to permit officially-sanctioned competitions. The committee resolution amending Committee regulations to permit officially-sanctioned competitions passed.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on H.R. 3279, the ''Open Book on Equal Access to Justice Act''; and H.R. 2834, to enact certain laws relating to the environment as title 55, United States Code, ''Environment''. H.R. 3279 and H.R. 2834 were ordered reported, without amendment.

VA AND DOD IT: ELECTRONIC HEALTH RECORDS INTEROPERABILITY

Committee on Oversight and Government Reform: Subcommittee on Information Technology; and Subcommittee on Oversight and Investigations of the House Committee on Veterans' Affairs, held a joint hearing entitled ''VA and DoD IT: Electronic Health Records Interoperability''. Testimony was heard from LaVerne Council, Assistant Secretary for Information Technology, Chief Information Officer, Department of Veterans Affairs; Brian P. Burns, Deputy Director, Warfighter Systems Integration, Office of Information Dominance, Department of Veterans Affairs; Christopher A. Miller, Program Executive Officer, Defense Healthcare Management Systems, Department of Defense; David DeVries, Principal Deputy Chief Information Officer, Department of Defense; and Valarie C. Melvin, Director of Information Management and Technology Resources Issues, Government Accountability Office.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT

Committee on Rules: Full Committee held a hearing on the Senate amendment to H.R. 1314, the ''Ensuring Tax Exempt Organizations the Right to Appeal Act'' [Bipartisan Budget Agreement of 2015]. The committee granted, by voice vote, a rule that provides for the consideration of the Senate amendment to H.R. 1314. The rule makes in order a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment with the amendment printed in Part A of the Rules Committee report modified by the amendment printed in Part B of the report. The rule waives all points of order against consideration of the motion and provides that the motion is not subject to a demand for division of the question. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. Testimony was heard from Representatives Hastings, Mulvaney, Schweikert, and Clawson of Florida.

A REVIEW OF PROGRESS BY THE DEPARTMENT OF HOMELAND SECURITY (DHS), SCIENCE AND TECHNOLOGY DIRECTORATE

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''A Review of Progress by the Department of Homeland Security (DHS), Science and Technology Directorate''. Testimony was heard from Reginald Brothers, Under Secretary, Science and Technology, Department of Homeland Security.

MAXIMIZING MENTORING: HOW ARE THE SBA AND DOD MENTOR-PROTÉGÉ PROGRAMS SERVING SMALL BUSINESSES?

Committee on Small Business: Subcommittee on Contracting and Workforce held a hearing entitled ''Maximizing Mentoring: How are the SBA and DoD Mentor-Protégé Programs Serving Small Businesses?''. Testimony was heard from Kenyatta Wesley, Acting Director, Office of Small Business Programs, Department of Defense; and A. John Shoraka, Associate Administrator of Government Contracting and Business Development, Small Business Administration.

PREVENTION OF AND RESPONSE TO THE ARRIVAL OF A DIRTY BOMB AT A U.S. PORT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled ''Prevention of and Response to the Arrival of a Dirty Bomb at a U.S. Port''. Testimony was heard from Rear Admiral Peter J. Brown, Assistant Commandant for Response Policy, United States Coast Guard; Huban Gowadia, Director, Domestic Nuclear Detection Office; Todd Owen, Assistant Commissioner, Office of Field Operations, Customs and Border Protection; David C. Maurer, Director, Justice and Law Enforcement Issues, Homeland Security and Justice Team, Government Accountability Office; Gregory H. Canavan, Senior Fellow, Los Alamos National Laboratories; Charles A. (Gus) Potter, Distinguished Member of the Technical Staff, Sandia National Laboratories; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 28, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine unmanned aircraft systems and the steps being taken to successfully integrate this technology into our National Airspace System, 10 a.m., SD–192.

Subcommittee on Energy and Water Development, to hold hearings to examine realizing the potential of the Department of Energy national laboratories, 2:30 p.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine the state of rural banking, focusing on challenges and consequences, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Jessica Rosenworcel, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015, 10 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the United States role and strategy in the Middle East, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Peter William Bodde, of Maryland, to be Ambassador to Libya, Marc Jonathan Sievers, of Maryland, to be Ambassador to the Sultanate of Oman, Elisabeth I. Millard, of Virginia, to be Ambassador to the Republic of Tajikistan, and Kenneth Damian Ward, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, all of the Department of State, and John Morton, of Massachusetts, to be Executive Vice President of the Overseas Private Investment Corporation, 3:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Retirement Security, to hold hearings to examine retirement plan options for small businesses, 2:30 p.m., SH–216.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the state of our nation's biodefense, 2:30 p.m., SD–342.

Committee on Veterans' Affairs: to hold hearings to examine Department of Veterans Affairs mental health, focusing on ensuring access to care, 2:30 p.m., SR–418.

House

Committee on Agriculture, Full Committee, hearing entitled ''Big Data and Agriculture: Innovation and Implications'', 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Military Personnel, hearing entitled ''Transition Assistance Program—A Unity of Effort'', 2 p.m., 2212 Rayburn.

Subcommittee on Oversight and Investigation, hearing entitled ''Assessing DOD's Assured Access to Micro-Electronics in Support of U.S. National Security Requirements'', 3:30 p.m., 2118 Rayburn.

Committee on the Budget, Full Committee, hearing entitled ''Restoring the Trust for America's Most Vulnerable'', 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Full Committee, markup on H.R. 3459, the ''Protecting Local Business Opportunity Act'', 10 a.m., HVC–210.

Committee on Energy and Commerce, Subcommittee on Communications and Technology, hearing entitled ''Breaking Down Barriers to Broadband Infrastructure Deployment'', 10 a.m., 2123 Rayburn.

Subcommittee on Environment and the Economy, hearing entitled ''Update on Low-Level Radioactive Waste Disposal Issues''; markup on S. 611, the ''Grassroots Rural and Small Community Water Systems Assistance Act'', 10:15 a.m., 2322 Rayburn.

Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Terror Inmates: Countering Violent Extremism in Prison and Beyond'', 10 a.m., 311 Cannon.

Committee on Natural Resources, Subcommittee on Federal Lands, hearing on a discussion draft of the ''Federal Lands Recreation Enhancement Modernization Act'', 10 a.m., 1324 Longworth.

Subcommittee on Indian, Insular and Alaska Native Affairs, hearing on H.R. 3764, the ''Tribal Recognition Act of 2015'', 2 p.m., 1334 Longworth.

Subcommittee on Water, Power and Oceans, hearing on H.R. 1219, the ''Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2015''; H.R. 1296, to amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes; and H.R. 3062, the ''Assuring Private Property Rights Over Vast Access to Land (APPROVAL) Act'', 2:30 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security, hearing entitled ''Radicalization: Social Media and the Rise of Terrorism'', 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Technology, hearing entitled ''A Review of the Networking and Information Technology Research and Development (NITRD) Program'', 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

10 a.m., Wednesday, October 28

Senate Chamber

Program for Wednesday: Senate will be in a period of morning business until 12 noon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 28

House Chamber

Program for Wednesday: Consideration of the Senate amendment to H.R. 1314—Trade Act of 2015 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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